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JAN 23 1991 -

FEBRUARY 20, 1991

URBAN/MUNICIPAL

PLANNING AND
DEVELOPMENT
COMMITTEE



K.E. AVERY
CITY CLERK

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THE CORPORATION OF THE CITY OF HAMILTON
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URBAN/MUNICIPAL
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1991

1991 January 18th

URBAN MUNICIPAL

JAN 23 1991

GOVERNMENT DOCUMENTS

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1991 January 23rd
9:30 o'clock a.m.
Room 233, City Hall

Susan K. Reeder
Secretary

A G E N D A

1. Consent Agenda.

MAYOR ROBERT M. MORROW

2. Recommendation of the Ad Hoc Committee - Commonwealth Square, Summers Lane.
3. C.N. Station (no copy).

ALDERMAN WM. McCULLOCH

4. Site Plan Enforcement (no copy).

REFERRALS FROM CITY COUNCIL

5. Resolution - Town of Vaughan - Ontario Government Housing Policy.
6. Resolution - Town of Vaughan - Ontario Municipal Board.

DIRECTOR OF PUBLIC WORKS

7. Application to the Ministry of Municipal Affairs - Crown Point East/McAnulty Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.)
8. Appointment of Consultant - Ferguson Avenue Revitalization.
9. Reporting structure of the Community Renewal Section, Parks Division, Public Works Department.

DIRECTOR OF PROPERTY - PURCHASES BY THE CITY

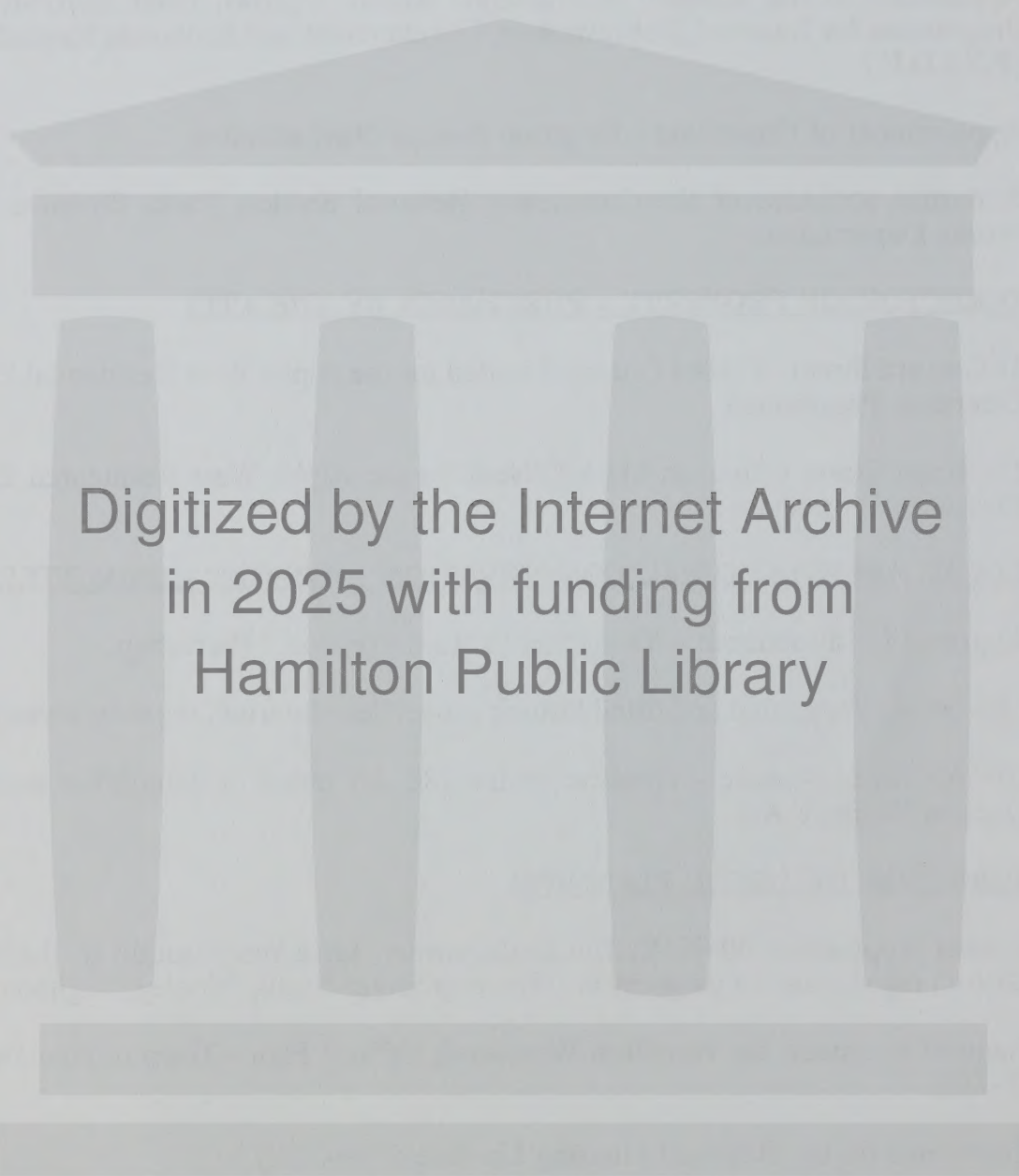
10. 21 Gerrard Street - 914844 Ontario Limited for the Alpha West Residential Enclave Clearance Programme.
11. 221 Brant Street - Stephen Mark O'Neill for the Alpha West Residential Enclave Clearance Programme.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

12. Approval for attendance - "Designing for Conservation " Workshop.
13. City-owned designated and listed historic properties - Interim uses to be investigated.
14. 105 Aberdeen Avenue - Application for 180 day delay in demolition under the Ontario Heritage Act.

DIRECTOR OF LOCAL PLANNING

15. Zoning Application 90-65, K. Dudzinski, owner, for a modification to the "DE-2" District regulations for property at 1 Prospect Street South; Stipeley Neighbourhood.
16. Request to amend the Hamilton-Wentworth Official Plan - Town of Ancaster (P-7-3).
17. Comments on the Regional Housing Up-date (P5-4-2-20).



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ZONING APPLICATIONS

10:30 O'CLOCK A.M.

18. Zoning Application 90-42, J. Majstorovich, owner, for a further modification to the "JJ" District regulations for property at 2289 Barton Street East; Nashdale Neighbourhood.
19. Zoning Application 90-71, E. and M. Ramsey, owners, for a modification to the "C" District regulations for property at 423 East 38th Street; Macassa Neighbourhood.
 - (a) Petition.

10:45 O'CLOCK A.M.

20. Zoning Application 90-69, Mr. & Mrs. M. Trikas, owners, for a modification to the "C" District regulations for property at 952-954 Concession Street; Raleigh Neighbourhood.
21. Zoning Application 90-76, Martino Residential Care Centres, owner, for a modification to the "E" District regulations for property at 832 Concession Street; Raleigh Neighbourhood.
 - (a) Letter - Leslie Mayo, 44 East 35th Street.
 - (b) Letter - Malcolm Dunlop, 23 East 34th Street.
22. Adjournment.

CITY OF HAMILTON
- RECOMMENDATION -

2.

DATE: 1991 January 10

REPORT TO: Secretary
Planning and Development Committee

FROM: Secretary
Ad Hoc Committee - Commonwealth Square, Summers Lane

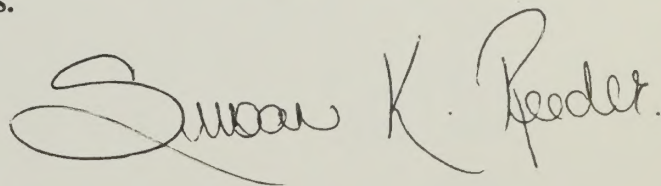
SUBJECT: Recommendation of the Ad Hoc Committee - Commonwealth Square,
Summers Lane.

RECOMMENDATION:

- (a) That the Ad Hoc Committee - Commonwealth Square, Summers Lane endorses the Baird, Sampson Study dated 1990 September 12, which recommends that the best location for the Crystal Palace is Commonwealth Square;

NOTE: The Ad Hoc Committee encourages the Crystal Palace Sub-Committee to solicit representation from the Art Gallery, H.E.C.F.I., Board of Education, C.A.P.I.C., and City staff in developing the design of the Crystal Palace Project.

- (b) That the Art Gallery be encouraged to accept a recently offered donation of sculptured items to be placed on Commonwealth Square and/or a revitalized Summers Lane;
- (c) That the Art Gallery be encouraged in its pursuit of creating a new entrance to their facility; and
- (d) That the Ad Hoc Committee encourages the City to redevelop Summers Lane in conjunction with the above-noted projects.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

BACKGROUND:

City Council at its meeting held Tuesday, 1990 July 31 established an Ad Hoc Committee of the Planning and Development Committee to review and co-ordinate the entire issue respecting the future use of Commonwealth Square and Summers Lane.

The Committee has now met on two occasions and at its last meeting held on Tuesday, 1990 November 6, agreed to recommend the above-noted resolution respecting the future use of Commonwealth Square and Summers Lane.

5.

CORPORATION OF THE CITY OF HAMILTON
MEMORANDUM

TO: Mrs. S. Reeder, Secretary,
Planning and Development Committee

FROM: Mr. K. E. Avery
City Clerk

OUR FILE:
PHONE: 546-4587

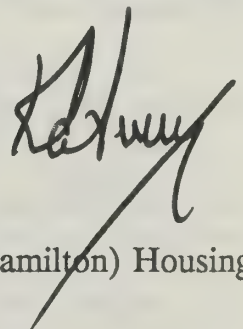
SUBJECT: ONTARIO GOVERNMENT
HOUSING POLICY

DATE: 1990 December 13

Attached please find a copy of a letter dated November 27, 1990 from the Town of Vaughan respecting the Ontario Government Housing Policy which City Council at its meeting held December 11, 1990 referred to the Planning and Development Committee.

att.

c.c.: Mr. M. Mascarenhas, General Manager, Municipal Non-Profit (Hamilton) Housing Corporation





RECEIVED

NOV 30 1990

CITY CLERKS



November 27, 1990

Mr. Keith Avery, Clerk
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

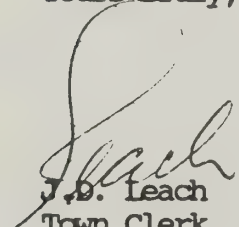
Dear Mr. Avery:

RE: ONTARIO GOVERNMENT HOUSING POLICY

For your attention please find enclosed an extract of Town of Vaughan Council minutes for its regular meeting held on 20 November 1990 setting out Council's position with respect to provincial government housing policy. It would be most appreciated if you would place this matter before your Council for consideration.

Thank you for your co-operation.

Yours truly,


J.D. Leach
Town Clerk

JDL/km

EXTRACT FROM COUNCIL MEETING MINUTES 20 NOVEMBER 1990

41. MOTION - HOUSING POLICY

Council resolved:

WHEREAS the housing policy of the Ontario government introduced in 1989 has been established without Municipal support; and

WHEREAS a number of local Municipalities as well as the Association of Municipalities of Ontario "AMO" have expressed some real concerns as to the policy's workability and implementation; and

WHEREAS the new Ontario NDP government has shown a willingness to consult with municipal government in a spirit of co-operation.

BE IT THEREFORE RESOLVED THAT the Ontario government through Ministry of Housing and Ministry of Municipal Affairs undertake the following:

- 1) rescind the present housing policy;
- 2) begin an immediate review in order to establish a new policy in co-operation and consultation with local governments with the desire to obtaining mutually acceptable objectives that are clearly attainable and workable and indeed flexible to reflect local community needs and concerns;
- 3) and that such review has the direct involvement of elected municipal representatives.

BE IT FURTHER RESOLVED THAT this resolution be circulated to the Honourable Bob Rae, the Premier of Ontario, the Honourable Dave Cook, the Minister of Housing and Minister of Municipal Affairs, the Honourable Gregory Sorbara, M.P.P. for York Centre, all Municipalities in the G.T.A. and all the Municipalities in Ontario with a population in excess of 50,000.

ACTION DEPT. _____

INFO. DEPT. _____

FOR NEXT COUNCIL _____

6.

CORPORATION OF THE CITY OF HAMILTON
MEMORANDUM

TO: S. K. Reeder, Secretary, ✓
Planning and Development Committee

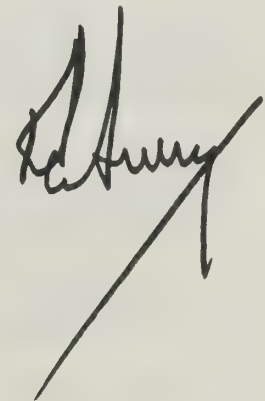
FROM: Mr. K. E. Avery
City Clerk

OUR FILE:
PHONE: 546-4587

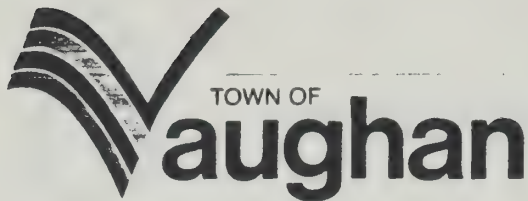
SUBJECT: ONTARIO MUNICIPAL BOARD

DATE: 1990 December 13

Attached please find a copy of a letter dated November 22, 1990 from the Town of Vaughan respecting the Ontario Municipal Board which City Council at its meeting held December 11, 1990 referred to the Planning and Development Committee.



c.c. Ms. P. Noé Johnson, City Solicitor



RECEIVED

NOV 27 1990

CITY CLERKS



November 22, 1990

Mr. Keith Avery, Clerk
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir:

SUBJECT: ONTARIO MUNICIPAL BOARD

For the consideration and attention of your Council, please find enclosed herewith a copy of an extract from the Town of Vaughan Council minutes of its meeting held on November 6, 1990. In five recent Ontario Municipal Board decisions, Vaughan Council refused rezoning applications and the Board allowed the appeal and amended the by-law accordingly. Vaughan Council strongly opposes these actions and is petitioning the Ontario Government to conduct a review of the Ontario Municipal Board's role and operation.

Should a review of the Board's role and operation be undertaken as requested, Council believes that the following matters should be specifically addressed:

- 1) Should one Board member only, presiding at a hearing, have the authority to overturn a council's decision, especially when such can dramatically impact on the well being of the residents?
- 2) Should the Board be the only and final authority of all matters under its jurisdiction?
- 3) Should the Board be able to amend an official plan which was previously approved by the Board and where such an amendment has been declined by the council of the Municipality?
- 4) Since the role of the Board has changed somewhat in recent years, becoming less than a quasi-judicial system, should its members be elected rather than appointed?

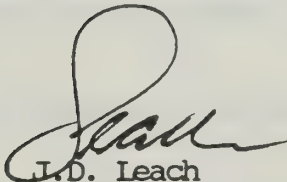
.../2

- 5) Review the role and responsibilities of Municipal elected official, vis-a-vis the Board, when such has the power, often on one person's decision to overturn a unanimous Council's decision which can represent the views of hundreds of thousands of people.

Vaughan Council requests that the resolution petitioning the Ontario Government to conduct a full review of the role and operation of the Ontario Municipal Board be endorsed, and urges your Council to consider passing a similar resolution raising concerns it may have with respect to the role and operation of the Ontario Municipal Board.

Your cooperation in placing this matter before your Council for consideration is appreciated.

Sincerely,



J.D. Leach
Town Clerk

23. RESOLUTION - ONTARIO MUNICIPAL BOARD

MOVED by Councillor Green
seconded by Regional Councillor Di Biase

WHEREAS there have recently been a number of Ontario Municipal Board (Board) hearings in which the Board has overturned the planning decisions of the Council of The Corporation of the Town of Vaughan;

AND WHEREAS the Board has apparently imposed these decisions without proper regard for the concerns of the elected representatives and the residents who will be directly affected by the decisions;

AND WHEREAS the Planning Act, 1983, has given the authority to adopt official plan amendments, to enact zoning by-laws and to approve site plans to the councils of local municipalities;

AND WHEREAS it is of great concern to the Mayor and Members of Council, and the residents of the Town of Vaughan, that their opinions are not being given sufficient weight by the Board;

AND WHEREAS the role and operation of the Board should be the subject of a review by the Ontario Government;

NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Town of Vaughan inform Premier Rae, the Ministers of Housing and Municipal Affairs, and the Attorney General, that it strongly objects to the apparent disregard by the Ontario Municipal Board in these decisions for the concerns and opinions of the elected representatives and the residents they represent;

AND THAT it be requested that the Ontario Municipal Board give more weight to the opinions of the Council, in accordance with the principle that the elected representatives are in the best position to assess the needs and desires of their community, as expressed by the Board itself in the Major Holdings and Developments Limited v City of Cambridge 1980 decision;

AND THAT the Ontario Government be petitioned to undertake a full review of the Board's role and operation;

AND THAT Mr. Greg Sorbara, M.P.P. York Centre, the Association of Municipalities of Ontario, all municipalities in the Greater Toronto Area, and all municipalities with a population over 50,000 be so advised.

CARRIED

EXTRACT FROM COUNCIL MEETING MINUTES 6 NOVEMBER 1990

MOVED by Councillor Rosati
seconded by Councillor Cipollone

THAT the Town Clerk be directed to prepare a letter, with background information, to be forwarded to Mr. Greg Sorbara, M.P.P. York Centre, the Association of Municipalities of Ontario, all municipalities in the Greater Toronto Area and all municipalities with a population over 50,000;

AND THAT a copy of the letter be provided to all Members of Council prior to same being mailed.

CARRIED

ACTION DEPT. _____

INFO. DEPT. _____

FOR NEXT COUNCIL _____

7.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 16

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. Pavelka
Director of Public Works

SUBJECT: Crown Point East/McAnulty Programme for Renewal,
Improvement, Development and Economic Revitalization (P.R.I.D.E.);
Application to the Ministry of Municipal Affairs

RECOMMENDATION:

That, the Community Renewal Section, Parks Division be authorized to make application to the Ministry of Municipal Affairs for matching funds under the Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) for the Crown Point East/McAnulty Neighbourhoods.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

A submission has been made with the 1991 to 1996 Parks Division Capital Budget for Crown Point East/McAnulty for a maximum Municipal Expenditure of four hundred thousand dollars (\$400,000.) matched with a Provincial contribution of four hundred thousand dollars (\$400,000.).

BACKGROUND:

On 1990 October 30, City Council approved Crown Point East/McAnulty Neighbourhoods as the next priority actions under the Parks Expenditure Policy for the purpose of implementing the Provincial P.R.I.D.E. Programme. This Renewal Programme has been separated into two phases, one focusing in/on the McAnulty Priority One Park and Phase II focusing on the Crown Point East Priority One Park. Construction of Phase I of this P.R.I.D.E. Project would commence in 1992 with application being made to the Ministry for Phase II in 1992 for construction in 1993. Implementation of Phase II is dependent upon the acquisition of lands for the Crown Point East Priority One Park adjacent to Queen Mary Public School off of Roxborough Avenue.

cc: Mrs. L. Dale, Secretary
Parks and Recreation Committee

8.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 17

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

SUBJECT: Ferguson Avenue Revitalization;
Appointment of Consultant

RECOMMENDATION:

- a) That, a consultant be hired to prepare an overall concept plan for Ferguson Avenue in its entirety and detailed recommendations and drawings for Ferguson Avenue from Main to Wilson/Kelly Streets at a total estimated cost of one hundred thousand dollars (\$100,000.), and;
- b) That, funds be provided for hiring of the consultant from Phase IV of the Downtown Hamilton Action Plan.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Mr per J. Pavelka

Previously, a submission was made as part of the Community Renewal Section, Parks Division Capital Budget requesting funds to hire a consultant for Ferguson Avenue. Funds have since been identified in Phase IV of the Downtown Hamilton Action Plan Account No. CF 4010 428803001.

BACKGROUND:

On 1990 July 25, the Planning and Development Committee directed the Downtown Hamilton Action Plan Co-ordinating Committee (DAPCOM) to carry out a comprehensive review of Ferguson Avenue in its entirety particularly concerning the feasibility of redevelopment of the street. An ADHOC Committee was established on 1990 August 09 with representation from various City and Regional Departments, CAPIC, L.A.C.A.C., International Village and Barton General B.I.A.'s and the Urban Design Committee.

A number of different features and possibilities were identified by the ADHOC Committee as previously detailed in the Information Report to the Planning and Development Committee on 1990 October 31.

The proposed phasing process of Ferguson Revitalization is as follows:

Phase I

Primary treatment to Ferguson from Main to Kelly Streets including acquisition of CN lands from Main to King Streets.

Phase II

Secondary treatment to Ferguson Avenue from Kelly to the Waterfront (Dock Service Road) on the north and Main Street to the escarpment on the south including improvements to some pedestrian links.

Phase III

The Ferguson Avenue three-phase revitalization project was included as part of the Community Renewal Section, Parks Division Capital Budget submission for implementation from 1992-1994.

cc: Alderman Wm. McCulloch, Ward Two

Mr. B. Chrystian, Manager of Parks Division
Public Works Department

Mr. A. Georgieff, Director of Local Planning
Planning and Development Department

Mr. R. Meiers, Manager of Project Planning
Engineering Department

9.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 17

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. Pavelka
Director of Public Works

SUBJECT: Reporting Structure of the Community Renewal
Section, Parks Division, Public Works Department

RECOMMENDATION:

- a) That the reporting function of the Community Renewal Section, Parks Division of the Public Works Department be revised to allow that P.R.I.D.E./Neighbourhood Renewal Projects be reported to the Parks and Recreation Committee for consideration; and,
- b) That, all other functions presently being reported to the Planning and Development Committee remain in effect; and,
- c) That this report be forwarded to the Parks and Recreation Committee for their consideration.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

Done per J. Pavelka

BACKGROUND:

Presently, the Community Renewal Section, Parks Division is reporting directly to the Planning and Development Committee for all of its activities. Since the amalgamation of this Section with the Parks Division in November, 1990, similarities have been identified with other sections of the Parks Division, namely, Parks Development. Since these functions report through the Parks and Recreation Committee and in the interest of streamlining the process, it is appropriate, to streamline the process, to have all parks-related projects report to the Parks and Recreation Committee. Correspondingly, all budgets, both current and capital, for the P.R.I.D.E./Neighbourhood Renewal projects, will be submitted to the Parks and Recreation Committee. This will ensure that the Committee reviewing maintenance budgets will also be responsible for the initial development expenditures which effect these ongoing costs. This alteration to the reporting structure will have no affect on the other Community Renewal functions which report to the Planning and Development Committee as follows:

Business Improvement Areas and Commercial Improvement Programme, Downtown Action Plan and other streetscape/commercial revitalization initiatives.

cc: Ms. L. Dale, Secretary
Parks and Recreation Committee

10.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 15

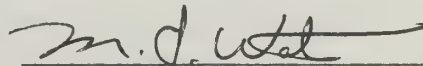
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: Purchase by City - 21 Gerrard Street
- 914844 Ontario Limited for the Alpha West
Residential Enclave Clearance Program.

RECOMMENDATION:

- a) That an Option to Purchase the property at 21 Gerrard Street, duly executed by 914844 Ontario Limited (President Chris Bahl) on January 15, 1991, and scheduled to close on or before March 25, 1991, be completed. The subject property has a frontage of 5.791 metres (19 feet), more or less, by a depth of 30.5 metres (100 feet), more or less, together with all structures erected thereon, being Municipal Number 21 Gerrard Street.
- b) The purchase price of \$75,000.00 is to be charged to Account Number CF 55903 08750001 (Land Acquisition Enclave Clearance Program). Demolition is to take place upon closing.



D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendation.

BACKGROUND:

The subject property lies within the Alpha West Residential Enclave. The acquisition of this property is in conjunction with the Residential Enclave Clearance Program, initiated for the purpose of purchasing and demolishing primarily residential dwellings located in older industrial zoned sections in the north-east part of the City.

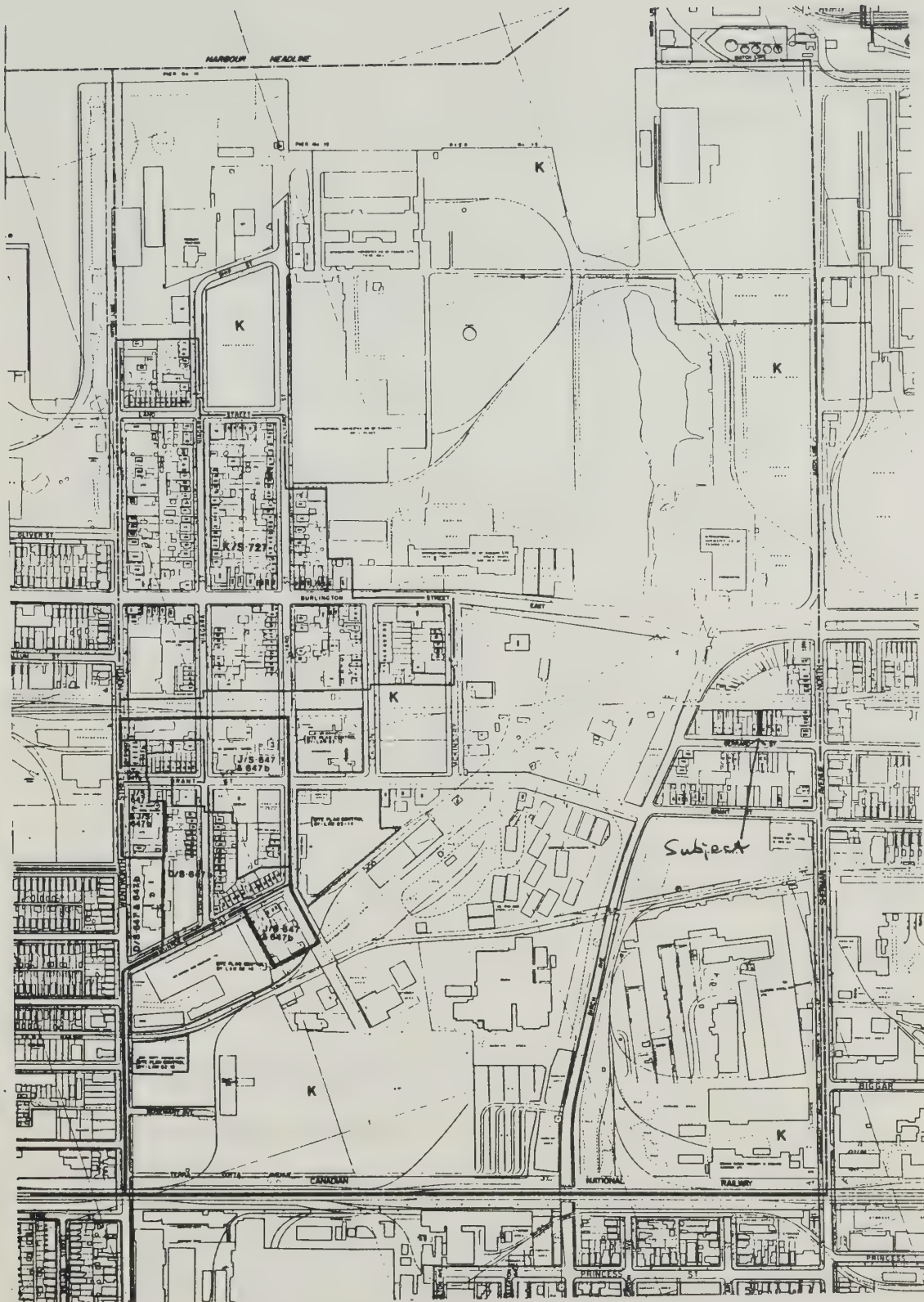
On June 27, 1989, City Council authorized the City's application for approval to expropriate sixteen (16) remaining properties in the Alpha West Enclave. However, through negotiations, the subject property has been acquired prior to the expropriation plan being registered, therefore avoiding the expropriation proceeding.

15 January 1991
Planning & Development Committee
Page 2

Attach.

- c.c. - Mrs. P. Noé Johnson, City Solicitor
Attention: Mr. D. Powers
- Mr. E. C. Matthews, Treasurer
 - Ms. L. MacNeil, Property Clerk, Surveys
 - Mr. A. L. Georgieff, M.C.I.P., Director, Local Planning Division
 - Mr. L. King, Building Commissioner

(100.11.116 - 4505)



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60	70	71								
66	68	126								
<p>This is not a Legal Document For Zoning Verification Purposes Contact City Building Department.</p>	<p>SCALE 1:5000</p>									
<p>Neighbourhood Boundary Zoning Boundary</p> <p>Prepared for The City of Hamilton by the Planning and Development Department of the Regional Municipality of Hamilton-Wentworth</p>	<p>PLANNING DEPT. NO. 6202 6212</p> <p>JUNE 1988</p> <p>PAGE 70</p>									

11.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 15


REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: Purchase by City - 221 Brant Street
- Stephen Mark O'Neill for the Alpha
West Residential Enclave Clearance Program

RECOMMENDATION:

- a) That an Option to Purchase the property at 221 Brant Street, duly executed by Stephen Mark O'Neill on January 4, 1991 and scheduled to close on or before March 1, 1991, be completed. The subject property has a frontage of 9.144 metres (30 feet), more or less, by a depth of 24.384 metres (80 feet), more or less, together with all structures erected thereon, being Municipal Number 221 Brant Street.
- b) The purchase price of \$73,000.00 is to be charged to Account Number CF 55903 08750001 (Land Acquisition Enclave Clearance Program). Demolition is to take place upon closing.



D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendation.

BACKGROUND:

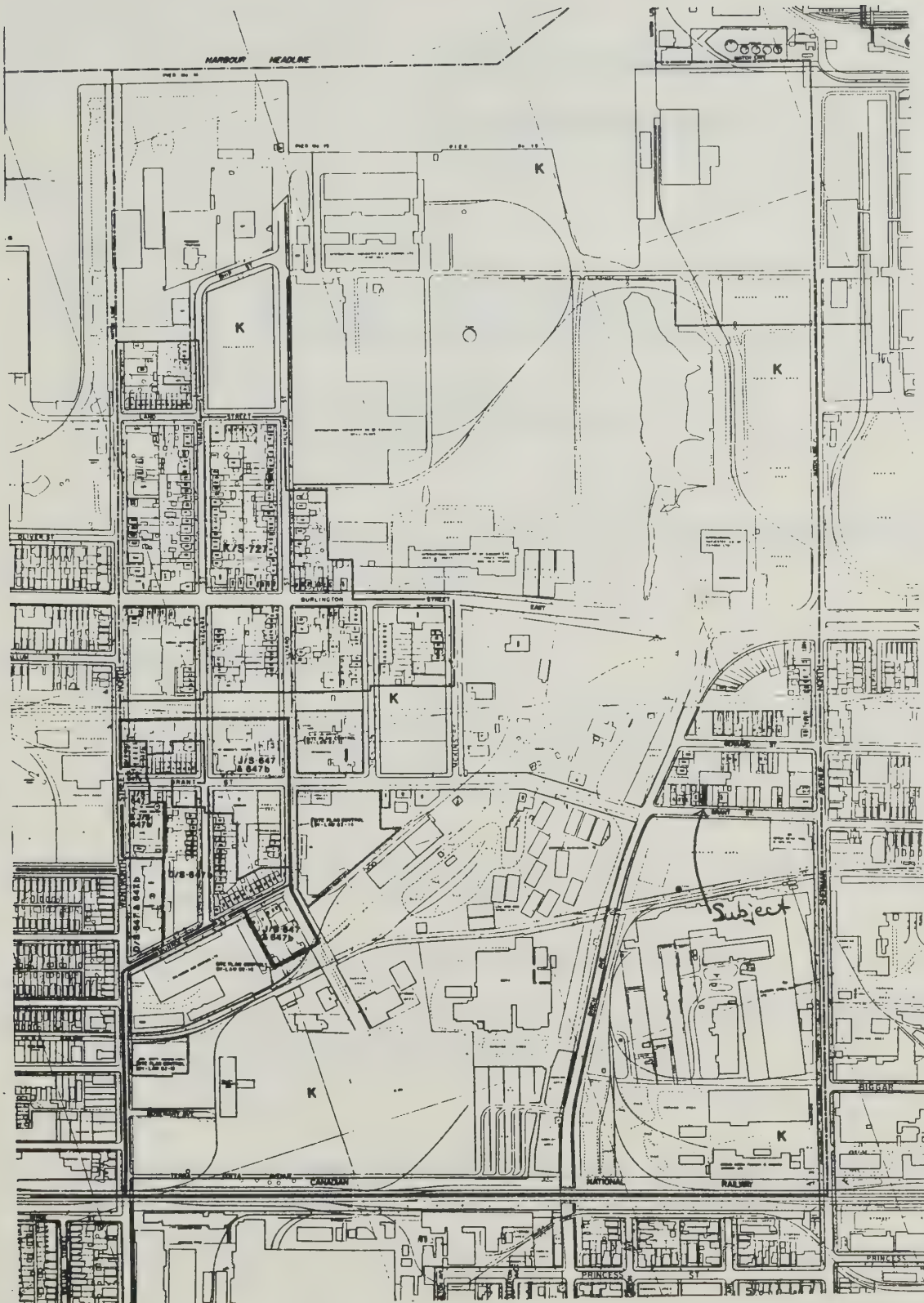
The subject property lies within the Alpha West Residential Enclave. The acquisition of this property is in conjunction with the Residential Enclave Clearance Program, initiated for the purpose of purchasing and demolishing primarily residential dwellings located in older industrial zoned sections in the north-east part of the City.

On June 27, 1989, City Council authorized the City's application for approval to expropriate sixteen (16) remaining properties in the Alpha West Enclave. However, through negotiations, the subject property has been acquired prior to the expropriation plan being registered, therefore avoiding the expropriation proceeding.

Attach.

- c.c. - Mrs. P. Noé Johnson, City Solicitor
Attention: Mr. D. Powers
- Mr. E. C. Matthews, Treasurer
 - Ms. L. MacNeil, Property Clerk, Surveys
 - Mr. A. L. Georgieff, M.C.I.P., Director, Local Planning Division
 - Mr. L. King, Building Commissioner

(100.11.134 - 4505)



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<p>Neighbourhood Boundary Zoning Boundary</p>	<p>SCALE 50m</p> <p>Prepared for The City of Hamilton by the Planning and Development Department of The Regional Municipality of Hamilton-Wentworth</p> <p>PLANNING MAP NO. 6202 6212</p> <p>JUNE 1988</p> <p>PAGE 103 70</p>									

12.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 7

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: **DESIGNING FOR CONSERVATION WORKSHOP -
APPROVAL FOR FUNDING**

RECOMMENDATION:

- a) That Alderman William McCulloch represent the Local Architectural Conservation Advisory Committee at the Architectural Conservancy of Ontario Inc.'s "Designing For Conservation" Workshop to be held in Toronto, Ontario from 1991 February 15 - 16; and
- b) That the costs for this workshop be financed from the Legislative Travel Account (Account No. CH 55201 10010).

C. J. Coutts

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

\$75.00 workshop fee and \$180.00 for hotel accommodations to be financed from Legislative Travel Account (Account No. CH 55201 10010).

BACKGROUND:

The Architectural Conservancy of Ontario Inc.'s Designing for Conservation Workshop is open to heritage advocates, design professionals, heritage administrators, planners and LACAC members.

cc Mr. J. Thompson, Secretary
Finance and Administration Committee

13.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 17

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: CITY-OWNED DESIGNATED AND LISTED
HISTORIC PROPERTIES - INTERIM USES TO BE
INVESTIGATED

RECOMMENDATION:

That in the case of City-owned Designated and Listed historic properties, that consideration be given to an interim use (ie. renting) for these properties until a final use has been determined.

NOTE: The purpose of this recommendation is to prevent vandalism of vacant historic properties.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Only a limited number of Designated and Listed properties would be affected. City's historic museums would be excluded as these properties have a permanent use.

A number of historic properties, not necessarily City-owned, have suffered considerable damage by being left vacant for extended periods of time. For example, West Avenue School, a City-owned Designated Property, will be vacated by Theatre Aquarius in the Fall of 1991. This building could be subject to vandalism if it becomes vacant.

c.c. Mr. A. Georgieff, Director of Local Planning
Mr. D. Vyce, Director of Property
Mrs. N. Chapple, Planning Department

14.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 17

REPORT TO: Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Charlene Coutts
Secretary, LACAC

SUBJECT: 105 Aberdeen Avenue (Designated Property)
Application for Demolition

RECOMMENDATION:

That Council impose the 180-day delay of demolition pursuant to section 34 of the Ontario Heritage Act for the designated property at 105 Aberdeen Avenue.

Coutts

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The current owner applied for a demolition permit on November 14, 1990.

Council must consider the application within 90 days of receipt, in this case before February 11, 1991.

cc: A. Georgieff, Director of Local Planning
N. Chapple, Planning Department

15.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: January 15, 1991
ZA-90-65
Stipeley Neighbourhood

REPORT TO: S. R. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SECOND REPORT

SUBJECT:

Conditions of Approval - Modification of Zoning for No. 1 Prospect Street South.

RECOMMENDATION

That the resolution concerning Item 6 of the 20th Report for 1990 of the Planning and Development Committee adopted by City Council on November 13, 1990, applicable to property located at No. 1 Prospect Street South as shown on APPENDIX "A", be amended on the following basis:

1. That clause (a)(ii) be amended by inserting after "Section 18A", the following:

"(i)(a) and (c)", and by deleting the words "on-site" so that the revised clause (ii) reads as follows:

"(ii) Notwithstanding Section 18A(1)(a) and (c) a minimum of two parking spaces shall be provided and maintained."

2. That a new clause (a)(iii) be added which reads as follows:

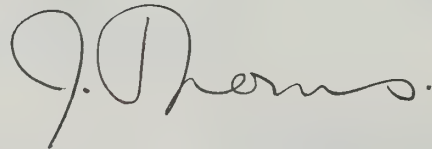
"(iii) Notwithstanding Section 18A(9) the two required parking spaces shall be provided and maintained off-site on the boulevard."

3. That clause (e) be repealed and substituted with the following new clause:

"(e) That the amending By-law not be forwarded for passage by City Council until such time as the applicant enters into and maintains a Boulevard Parking Agreement to the satisfaction of the Director of the Traffic Department."



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND:

At its meeting held on November 7, 1990, the Planning and Development Committee approved Zoning Application 90-65, K. Dudzinski, owner, for a modification to the established "DE-2" (Multiple Dwellings) District Zoning regulations to permit the addition of a bachelor apartment unit to the existing legal non-conforming 11 unit apartment building for property at No. 1 Prospect Street South (see APPENDIX "A"), subject to the following variances as special requirements:

1. Notwithstanding Section 10B of By-law No. 6593 a multiple dwelling containing not more than 12 dwelling units, and having a maximum gross floor area of 880m², shall be permitted within the existing building;
2. Notwithstanding Section 18A a minimum of two parking spaces shall be provided and maintained on-site.

To ensure that the required parking is provided, the resolution included a condition that a Building Permit not be issued until such time as the Director of the Traffic Department is satisfied that two parking spaces can be accommodated on site.

On November 13, 1990, City Council adopted the recommendation of the Planning and Development Committee.

PROBLEM:

The Traffic Department has reviewed the property at No. 1 Prospect Street South and has determined that only one legal parking space can be accommodated (see APPENDIX "B"). Two on-site parking spaces could be provided as outlined in the Traffic Department comments but would require variances to Section 18A(7) of the Zoning By-law to permit the parking spaces to have a minimum width of 2.6 m as opposed to 2.7 m required. The resolution as adopted by the Planning and Development Committee does not address the issue of by-law variances. While the variance is considered minor in nature and could be supported, it would require the paving of virtually the entire rear yard and the removal of an existing tree on the property.

As an alternative to the foregoing, the Traffic Department has recommended that the resolution (Item 6 of the Twentieth Report for 1990 for the Planning and Development Committee), be amended to require the applicant to enter into and maintain a Boulevard Parking Agreement with the City to provide two parking spaces adjacent to his site. This option would preserve the tree and leave the majority of the existing rear yard intact.

CONCLUSION:

Based on the comments of the Traffic Department it is recommended that the resolution (Item 6 of the 20th Report for 1990 of the Planning and Development Committee) adopted by City Council on November 13, 1990 be amended as follows:

1. That clause (a)(ii) be amended by inserting after "Section 18A", the following:

"(i)(a) and (c)", and by deleting the words "on-site" so that the revised clause (ii) reads as follows:

"(ii) Notwithstanding Section 18A(1)(a) and (c) a minimum of two parking spaces shall be provided and maintained."



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

DEC 20 1990

1990 December 20

Mr. A.L. Georgieff, M.C.I.P.
Director of Local Planning
Planning and Development Department

Dear Sir:

Re: ZA-90-65
1 Prospect Street South

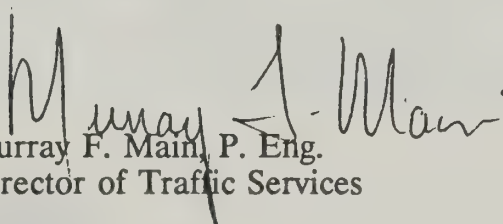
As you are aware, this application was approved on the condition that the applicant provided two parking spaces on the site. Our investigations indicate that there is only sufficient room on the site for one legal parking space. There are therefore two options which could be considered.

The first would be to provide two parking spaces at the rear of the building, with access from Prospect Street South, as originally contemplated. This would require a further modification to the proposed by-law to provide a variance to the required width of the proposed spaces. The spaces would be located approximately 6.0 m east of the western property line. At this point the variance becomes relatively minor and would be supported by the department. It should be noted that the option will require the paving of virtually the entire rear yard at the site and the removal of the existing tree on private property.

As an alternative to the above, the Committee could also consider altering their original two parking space requirement and instead recommend approval of the requested zoning on the condition that the applicant enter into and maintain a Boulevard Parking Agreement for two parking spaces adjacent to his site. We have reviewed this option and determined that two parking spaces could be accommodated in this way. This option would not result in the removal of the previously mentioned tree and would leave the majority of the existing rear yard intact.

I trust this information proves useful.

Yours truly,


Murray F. Main, P. Eng.
Director of Traffic Services

RK/ks

16.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: January 10, 1991
P-7-3

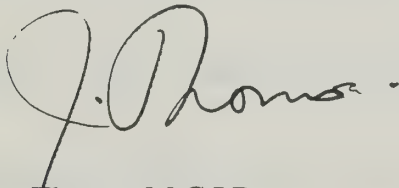
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

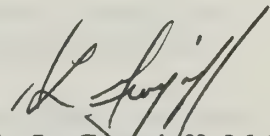
SUBJECT: Request to amend the Hamilton-Wentworth Official Plan
- Town of Ancaster

RECOMMENDATION:

That the Planning and Development Committee recommend to Council that the Clerk be directed to advise the Region that the Town of Ancaster's request to amend the Region's Official Plan to extend the Town's urban area boundary has no impact on the planning intentions of the City of Hamilton.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A. L. Georgieff, M.C.I.P.
Director of Local Planning

EXPLANATORY NOTE:

Hamilton-Wentworth Region has requested the City's comments, amongst others, on a request by the Town of Ancaster to amend the Region's Official Plan to extend the Town's urban area boundaries.

BACKGROUND AND REPORT:

The Town of Ancaster has requested the Region to amend its Official Plan to expand the boundaries of the Town's urban area. This request is consistent with the Town's initiation of Official Plan Amendment #36 to the Ancaster Official Plan which provides the background, basis and policy direction to facilitate the expansion of the urban area. The Region has advised that the background report prepared for the Ancaster amendment should be used in the evaluation of the request to amend the Region's Official Plan in this regard.

The area subject to this amendment request (see Map 1 attached) is approximately 2.5 km (1.6 miles) west of the City limits and in total comprises of 350 ha (865 acres). While this may seem significant, it should be noted that more than 75% of the land area affected is west of Fiddlers Green Road which is more than 5 km (4 miles) west of the City limits.

The subject lands are currently designated as "Rural Area" in the Hamilton-Wentworth Official Plan. If this amendment is approved by the Province, the lands would be redesignated "Proposed Development - Residential and Related Uses". The Hamilton-Wentworth Official Plan, other than recognizing the limits of the urban area, leaves the detailed planning therein up to the local area municipality. As previously noted, the Town has initiated Official Plan Amendment #36 to provide a more detailed framework for the future development of these areas.

Amendment #36 provides for a variety of urban uses including "Residential", "Open Space and Conservation", "Institutional", and "Commercial". Various policies in the Amendment provide for:

- more detailed planning through the preparation of Secondary Plans which will require a further amendment to the Town's Official Plan;
- acoustical studies required where development is proposed adjacent to Highways 403, 53 and future Highway 6; and,
- schools and parks in specific locations.

The Hamilton Official Plan designates all lands abutting the Town of Ancaster between Stone Church Road and Rymal Road (Highway 53) for "Residential" except for a small "Open Space" and "Major Institutional" designation approximately midway between the two roads. The Neighbourhood Plan for Falkirk West Neighbourhood is currently being prepared.

A main concern of the City regarding the impact of the Region's proposed amendment is the impact of future development on Rymal Road (Highway 53). The Background Report prepared in support of Ancaster's Official Plan Amendment #36 states that a traffic study was undertaken by the Town and that no adverse impacts are anticipated. The Region's Engineering Department in its review of the proposed Ancaster amendment has noted that "There are no special costs or difficulties associated with the proposed urban boundaries from the viewpoint of....transportation. Any details which may be required in the actual Official Plan amendment can be dealt with at a later date." (See Appendix I attached.)

SUMMARY AND CONCLUSIONS:

Based on the foregoing, it appears that the request by the Town of Ancaster to amend the Hamilton-Wentworth Official Plan to extend the Town's urban area boundary will have little impact on the planning intentions of the City of Hamilton. This being the case, Council should direct the Clerk to so advise the Region.

Cj

C.F.:ns

A:\REPORTS

"Original letter plus attachments forwarded to Mr. A. Georgieff, Director of Local Planning for comment; copy of letter to Mrs. Susan K. Reeder, Secretary, Planning & Development Committee, City Clerk's Dept. - 1990 December 17th".



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
119 King Street West, 14th floor
Hamilton, Ontario
(416) 546-4186 Fax (416) 546-4364

RECEIVED

DEC 14 1990

Mailing Address:
P.O. Box 910, Hamilton, Ontario
CITY CLERKS L8N 3V9

December 10, 1990

Refer to File No.

Attention of

731.9010

Your file No.

DEC 17 1990

BJM

CF

Mr. K. Avery, Clerk,
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L0R 2W0

Dear Mr. Avery:

RE: Request to Amend the Hamilton-Wentworth Official Plan
to Expand the Ancaster Urban Boundary

A request to amend the Hamilton-Wentworth Official Plan has been received from the Town of Ancaster. It is noted that the lands involved in the expansion have been previously circulated under individual applications, (File #731.64, 731.65, 731.68, 731.72, & 731.74). The proposed amendment would permit the expansion of the urban boundary for the Town of Ancaster.

Attached is a copy of the background study which was prepared by the Town of Ancaster. This study should also be used in the evaluation of the proposed amendment to the Hamilton-Wentworth Official Plan. A map is attached for reference purposes.

It would be appreciated if your comments regarding this request could be provided by February 28, 1990. Questions relating to this matter may be directed to Mr. Glazebrook at 546-4387.

Yours very truly,

S. C. Miazga

Steven C. Miazga, M.C.I.P.
Planner
Regional Planning Branch

c.c. A. Georgieff, Planning Director



SCM:AG:dc
Attach.
731.9010

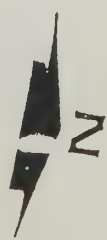
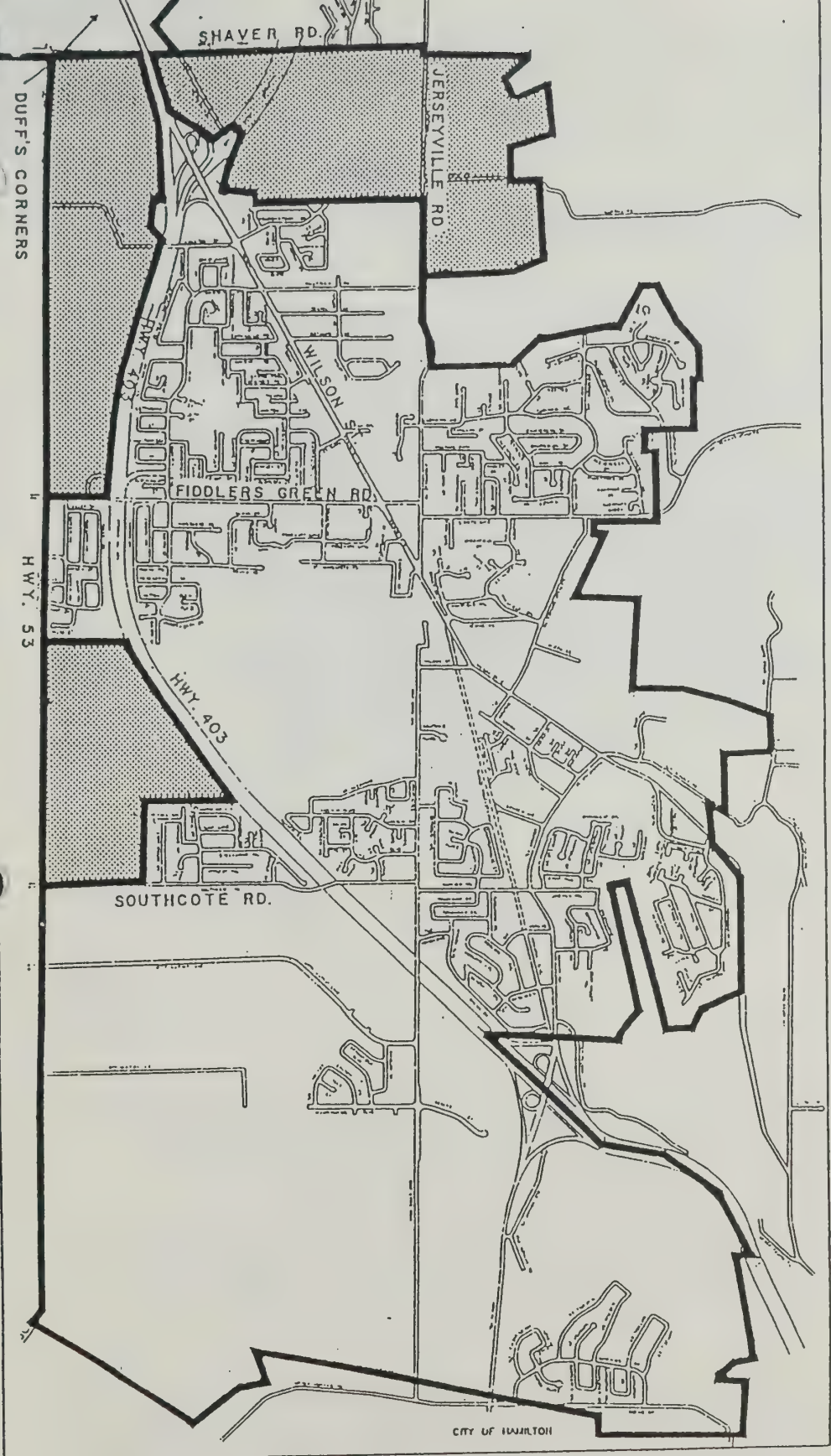
TOWN OF ANCASTER URBAN AREA EXPANSION



APPENDIX "B" LOCATION OF STUDY AREA

LEGEND:

-  EXISTING URBAN AREA
-  STUDY AREA



NOT TO
SCALE

TOWN OF
ANCASTER
PLANNING
DEPARTMENT
JULY 1990

THE REGIONAL MUNICIPALITY OF HAMILTON-WESTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

APPENDIX I

RECEIVED

JAN 17 1990

ENGINEERING
DEPARTMENT

Darlene

January 15, 1990

Town of Ancaster
300 Wilson Street East
Ancaster, Ontario
L9G 2B9

Att: Mr. P. Smeltzer
Town Engineer

Official Plan Amendment
Expansion to the Urban Boundary

Gentlemen:

The following are our comments in reply to your letter of October 25, 1989.

There are no special costs or difficulties associated with the proposed urban boundaries from the viewpoint of the water system or transportation. Any details which may be required in the actual official plan amendment can be dealt with at a later date.

Area 2B, i.e. the land between Fiddlers Green Road and Southcote Road, can also be provided with sanitary sewer service and, therefore, Department of Engineering has no objection to the redesignation of the land to urban.

Most of Area 1 drains naturally to the Creek running westerly into the industrial area. This land should, in our opinion, be developed after the land bounded by future Highway No. 403 - Shaver Road - Wilson Street - Highway No. 53 has developed. As this development is some years away, the designation of these lands would not produce any housing in the near future except for a small area which can be drained by gravity to the existing system. The servicing of the entire area 1 would require a temporary sanitary sewage pumping station which could cost approximately two million dollars.

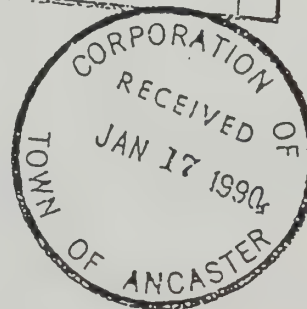
Cont'd

Refer to File No. E202-08
Attention of K. Brenner
Your File No.

TO: _____ DATE: _____
FROM: _____

TOWN ENG.			
SR. ENG. TECH.			
JR. ENG. TECH.			
ENG. INSPECTOR			
PLANNING			
BUILDING			
TREASURER			
CLERK			
ROADS			
OTHER			

RETURN TO FILE
SEE ME PLEASE
PH. YOUR REQUEST
INTEREST & REPORT
APPROPRIATE ACTION
PLEASE NOTE



-Page 2-
January 15, 1990

Official Plan Amendment
Expansion to the Urban Boundary

Cont'd

Area 2A drains naturally towards the south. This area, except for a small area at the west, i.e. adjacent to Fiddlers Green Road, would require a sanitary sewage pumping station at a possible cost of two million dollars.

It is our opinion that the Town and the Region should review the future land use in Concession 4 from Lot 37 to Lot 54 before approving areas 1 and 2A, as certain lands in this concession can be serviced more economically than the proposed lands.

However, should the Town feel that areas 1 and 2A have to be approved, then we recommend that the planning reasons for choosing these lands be sent to the Region for review by Regional Council. The documents sent to us with your letter of October 25 do not give any of the reasons for redesignating areas 1 and 2A.



E. M. Gill, P. Eng.
Acting Commissioner of Engineering

KB/dh
Attach.

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

APPENDIX I

RECEIVED

JAN 17 1990

ENGINEERING
DEPARTMENT

Darlene

Refer to File No

Attention of

E202-08

Your File No.

K. Brenner

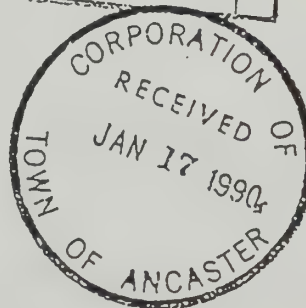
January 15, 1990

Town of Ancaster
300 Wilson Street East
Ancaster, Ontario
L9G 2B9

Att: Mr. P. Smeltzer
Town Engineer

Official Plan Amendment
Expansion to the Urban Boundary

TO:	DATE:
FROM:	
TOWN ENG.	
SR. ENG. TECH.	
JR. ENG. TECH.	
ENG. INSPECTOR	
PLANNING	
BUILDING	
TREASURER	
CLERK	
ROADS	
OTHER	



Gentlemen:

The following are our comments in reply to your letter of October 25, 1989.

There are no special costs or difficulties associated with the proposed urban boundaries from the viewpoint of the water system or transportation. Any details which may be required in the actual official plan amendment can be dealt with at a later date.

Area 2B, i.e. the land between Fiddlers Green Road and Southcote Road, can also be provided with sanitary sewer service and, therefore, Department of Engineering has no objection to the redesignation of the land to urban.

Most of Area 1 drains naturally to the Creek running westerly into the industrial area. This land should, in our opinion, be developed after the land bounded by future Highway No. 403 - Shaver Road - Wilson Street - Highway No. 53 has developed. As this development is some years away, the designation of these lands would not produce any housing in the near future except for a small area which can be drained by gravity to the existing system. The servicing of the entire area 1 would require a temporary sanitary sewage pumping station which could cost approximately two million dollars.

Cont'd

-Page 2-
January 15, 1990

Official Plan Amendment
Expansion to the Urban Boundary

Cont'd

Area 2A drains naturally towards the south. This area, except for a small area at the west, i.e. adjacent to Fiddlers Green Road, would require a sanitary sewage pumping station at a possible cost of two million dollars.

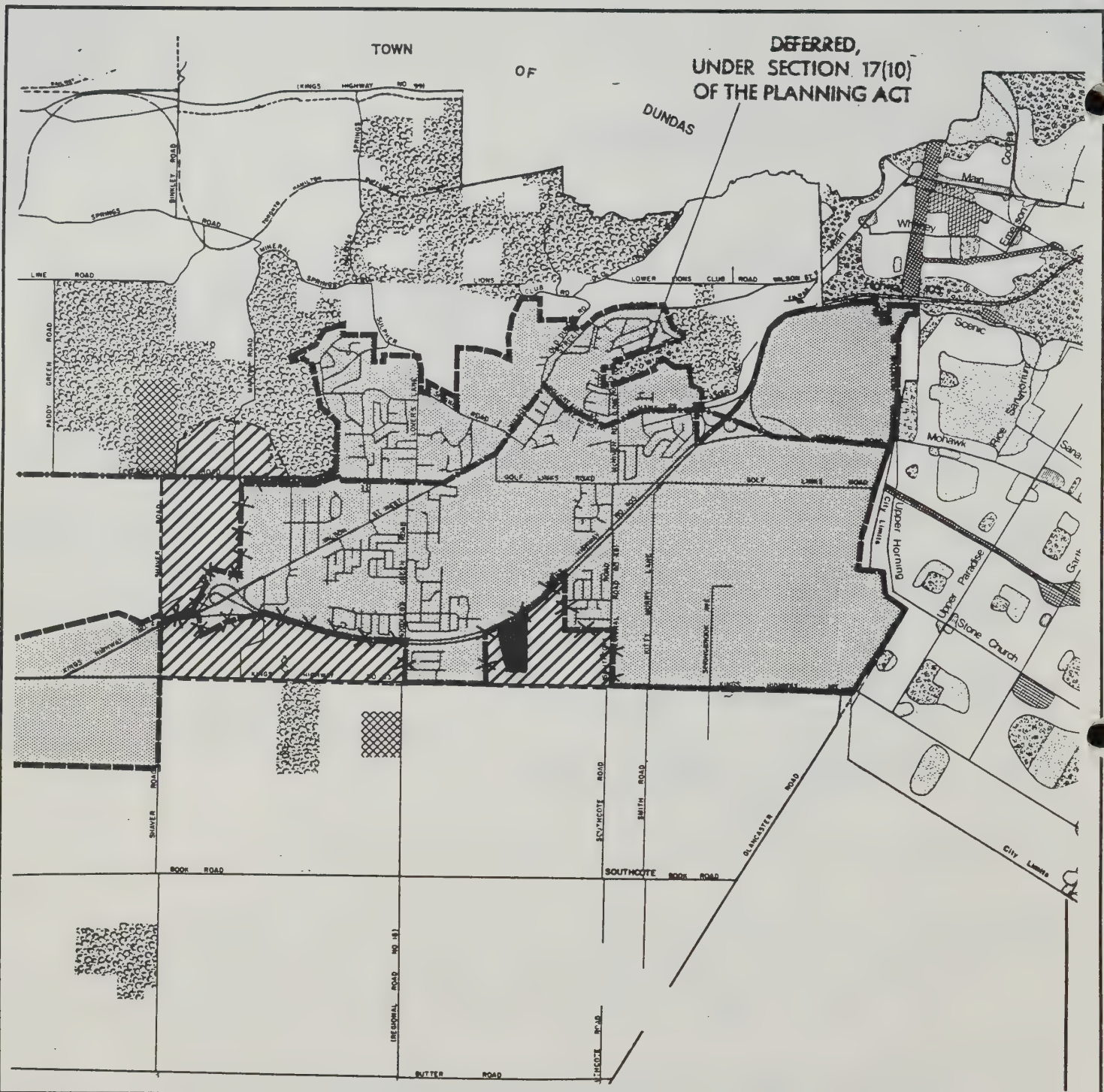
It is our opinion that the Town and the Region should review the future land use in Concession 4 from Lot 37 to Lot 54 before approving areas 1 and 2A, as certain lands in this concession can be serviced more economically than the proposed lands.

However, should the Town feel that areas 1 and 2A have to be approved, then we recommend that the planning reasons for choosing these lands be sent to the Region for review by Regional Council. The documents sent to us with your letter of October 25 do not give any of the reasons for redesignating areas 1 and 2A.

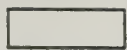














E. M. Gill, P. Eng.
Acting Commissioner of Engineering

KB/dh
Attach.



LEGEND:

	residential		central policy area
	commercial		sub regional centre
	industrial		delete urban area boundary
	open space		new urban area boundary
	open water		change from "agricultural" to "urban area"
	major institutional		change from "rural industrial" to "urban area"
	utilities		

**Excerpts from Amendment #36
-Town of Ancaster Official
Plan and Schedule 'A' to
Hamilton Official Plan**



MAP 1

17.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 14
P5-4-2-20

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Comments on the "Regional Housing Statement Update"

RECOMMENDATION:

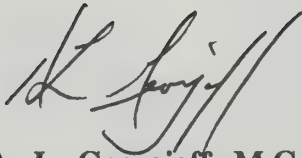
- A) That the comments contained in the report reviewing the "Regional Housing Statement Update", attached herewith and marked Appendix A, be endorsed; and,
- B) That Regional Council be so advised of City Council's endorsement.

EXPLANATORY NOTE:

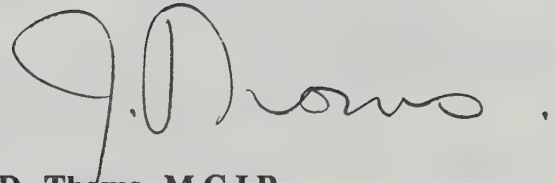
The "Regional Housing Statement Update" has been forwarded to the City of Hamilton for review and comment. As part of the development of the Regional Housing Statement Update, a significant amount of dialogue occurred between the Region and the Area Municipalities, including Hamilton, to ensure the final recommendations in the Regional Housing Statement Update were sound and responsive to local concerns and issues. To a large extent, this has been achieved. The Region has recognized the need for a more balanced distribution of medium and higher-density dwelling forms in other Area Municipalities and, as well, ensuring local flexibility in regard to land use planning actions is maintained.

FINANCIAL IMPLICATIONS:

None at this time.



A. L. Georgieff, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department

BACKGROUND:

Municipal Housing Statements provide a review and analysis of existing and future housing market conditions within a municipality. These documents form the basis of housing policy at the municipal level and permit the use of senior level of government housing programs by municipalities.

The Region last undertook a Municipal Housing Statement in 1975 and 1982. Since the last Update in 1982, a number of Provincial and local housing initiatives have occurred, e.g., the Provincial Land Use Planning for Housing Policy Statement and the Regional Chairman's Task Force on Affordable Housing, that have necessitated another detailed review of housing market conditions in Hamilton-Wentworth.

The Regional Housing Statement Update was completed in draft form in April, 1990. Since that time, Regional staff have undertaken a consultation process with the Area Municipalities and other groups interested in housing issues in Hamilton-Wentworth, e.g., Housing Help Centre, Hamilton and District Home Builders' Association, Social Planning and Research Council, etc., to discuss the draft recommendations.

The draft recommendations have now been revised and re-formulated and submitted to the Area Municipalities for formal review and comment. Appendix A provides comments on the recommendations that directly have implications on the City of Hamilton. Appendix B contains all of the recommendations in the Regional Housing Statement Update.

The City of Hamilton is also preparing a Municipal Housing Statement Update. The City's Update will have a higher level of detail and analysis of housing issues and concerns than does the Regional Update. In addition, the market and non-market housing production targets in the City's Update may differ slightly from the targets adopted by the Region, although preliminary analysis indicates the targets are consistent. Moreover, the directions in regard to implementing the Provincial Policy Statement Land Use Planning for Housing, as well may be slightly different recognizing the nature of housing need in Hamilton.

CONCLUSIONS:

As evidenced by the recommendations in the Regional Housing Statement Update, the Region is pursuing a policy of encouraging Region-wide responses to housing needs that are apparent in all communities. Hamilton has traditionally housed the bulk of low and moderate income households and higher density dwelling forms in the Region and movement towards rectifying these past imbalances, i.e., a "fair share" approach, is desirable.

In addition, the Region has recognized flexibility at the Area Municipality level is key to ensure the successful implementation of the Provincial Policy Statement Land Use Planning for Housing. In this regard, the directions and strategies emanating from the City's Municipal Housing Statement Update should complement with Regional initiatives. The Chairman's Task Force on Affordable Housing should be encouraged to pursue a similar consultative role with the Area Municipalities. This will result in the successful implementation of the recommendations that will be considered by Regional Council.

Accordingly, the recommendations in the Regional Housing Statement Update can be supported.

KWE/ns

A:\REGMHS

APPENDIX A

*COMMENTS ON THE RECOMMENDATIONS FROM THE
REGIONAL HOUSING STATEMENT UPDATE*

COMMENTS:

The specific recommendations of the Regional Housing Statement Update that have implications on the City of Hamilton are identified and comments provided below.

Rec. #1 "The annual housing target of 2500 units and the housing mix of 55% single and semi detached; 26% row; and 19% apartment be adopted as a guideline for medium and long range planning in the Region."

This recommendation can be supported. The housing mix proposed is consistent with actual housing completions (based on Canada Mortgage and Housing Corporation data) that occurred in the City of Hamilton from the period 1988 to September, 1990: single and semi-detached units accounted for 56.5 percent of all completions; row/townhouse units accounted for 29.5 percent; and apartment units accounted for 14.0 percent of all completions.

In addition, at least in the short-term, the City of Hamilton will exceed this guideline based on dwelling units under construction as of September, 1990: single and semi-detached units account for 21.3 percent of all dwelling units currently under construction in Hamilton, compared to 30.7 percent for row/townhouse units and 40.8 percent for apartment units.

This recommendation can also be supported as it emphasizes a Region-wide response to housing needs that are evident throughout Hamilton-Wentworth. In the past, the City of Hamilton has traditionally been the recipient of a higher proportion of multiple-family dwelling units in the Region. Support of this recommendation will begin to address this imbalance.

Rec. #2 "The Region in consultation with Area Municipalities and in the context of the Official Plan Review, identify and evaluate alternative land use and urban design strategies to accommodate the targetted mix, examine the impacts of targetting different unit mixes, and review the roles and responsibilities of Area Municipalities and the Region in land use planning."

This recommendation can be supported. The Region has appropriately recognized housing and land use planning initiatives cannot be undertaken in isolation. Any initiatives must be flexible and also respect the legitimate planning concerns of the Area Municipalities. It should be noted that any changes to the Regional Official Plan will be submitted to the Area Municipalities for review and comment.

Rec. #3 "The target for assisted housing units be set a minimum of 500-550 units per year, with the recognition that the target must be doubled for the first five years in order to meet the backlog of demand."

This recommendation can be supported. The City's own Assisted Housing Survey, undertaken as part of the City's Municipal Housing Statement Update, revealed some 4,700 households who were in need of assisted housing units in Hamilton.

The City of Hamilton successfully delivers assisted housing through its municipal non-profit housing corporation; however, an emphasis on the Region-wide distribution of assisted housing units would achieve substantial gains in addressing housing needs in all area municipalities.

Rec. #5 "Area Municipalities support the need for a variety and mix of housing in the Region by targetting not less than 35% of units in new construction as medium to high density development."

This recommendation can be supported. The Regional Planning Branch maintains a comprehensive database of land supply statistics. The database quantifies current residential designations on all vacant land including unbuilt units on registered plans of subdivision, draft approved plans, plans in process or pending and areas designated residential in Neighbourhood Plans and/or the Official Plan. According to their latest semi-annual report, Vacant Residential Land Inventory, July, 1990, the following dwelling types on vacant residential land are supported in the City of Hamilton:

	Potential Dwelling Units on Vacant Land	Percent
Single-Detached	9,666	56.0
Semi-Detached	124	0.7
Row	2,221	12.9
Apartment	5,242	30.4
Total	17,253	100.0%

Based on the above statistics, the City of Hamilton has targetted approximately 43.3 percent of vacant residential land for medium and high density development, which is consistent with the recommendation.

In addition, this recommendation is similar to Recommendation #1 as an attempt is made to address housing needs on a Region-wide basis. All area municipalities in Hamilton-Wentworth should recognize the diversity of their local housing needs and target future residential development for a variety of dwelling types and densities similar to that established by Hamilton.

Rec. #6 "Area Municipalities adopt policies and implementation strategies which would provide the opportunity for the construction of not less than 35% of all units created through new construction or intensification as medium or high density development."

This recommendation can be supported. As indicated in the comments for Recommendation #5, the City of Hamilton has "provided the opportunity" in regard to residential designations on vacant land, of which 43.3 percent is designated as row and apartment. Further, this recommendation can be supported as it attempts to alleviate the inequities that have occurred in regard to the quantity and share of medium and high-density dwelling types constructed in other Area Municipalities in past years.

Rec. #7 "The Region support the goal of 25% affordable housing in new developments and work with Area Municipalities and the Regional Chairman's Task Force on Affordable Housing in the development of a definition of affordable housing for Hamilton-Wentworth and a detailed implementation strategy on how the 25% affordability will be achieved."

The City of Hamilton is not in a position to comment on this recommendation at this time. Until the City's Municipal Housing Statement Update is complete sometime in February, it would be premature to concur with Regional directions in regard to the implementation of the Provincial Policy Statement Land Use Planning for Housing.

The City's Municipal Housing Statement Update will contain a detailed analysis of households and their housing needs within the 0 to 60th household income percentile. From that analysis, a detailed housing strategy will be developed that may or may not be consistent with the Regional objective and approach of "25% affordable housing in new developments."

It is suggested that the Region develop its Implementation Strategy in consultation with the Area Municipalities, as it is at the local level where the 25% target is to be achieved.

Rec. #9 "The Region and all Area Municipalities allow for and encourage a full continuum of housing including: owner occupied, private market and assisted rental, rooming and boarding houses, group homes, supportive living developments, converted dwellings and accessory apartments."

The broad context of the Recommendation is supportable, i.e., a Region-wide response to housing needs, and is consistent with Hamilton Official Plan policies. For example, as stated in A.2.1.8, "it is the intent of a Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City".

However, the Region should recognize the dwelling types noted in the recommendation, specifically "converted dwellings and accessory apartments", will be administered through the application of local zoning by-laws which are based on local conditions and community sensitivities.

The City is presently undertaking a detailed Housing Intensification Study and the approved recommendations of this study will form the basis of City of Hamilton policy in this regard.

- Rec. #11 "All Regional and Area Municipal housing policies recognize recent and expected changes in population, the rapid growth of one person households and the increasing diversity of household types."**

This recommendation can be supported. The City of Hamilton has traditionally been the leader in Hamilton-Wentworth of recognizing and addressing emerging housing issues, e.g., the joint Region/City Second Level Lodging House Study, needs of the psychiatrically disabled, etc., and will continue to do so.

- Rec. #14 "The Region encourage the establishment and expansion of Non-Profit Housing Corporations delivering a full spectrum of assisted housing in all Area Municipalities."**

This recommendation can be supported. Encouraging region-wide responses to housing needs evident in all municipalities in Hamilton-Wentworth is an appropriate direction. The City of Hamilton through its municipal non-profit housing corporation has some 260 units under management, 58 units under construction and approximately 300 units in the planning stage.

- Rec. #16 "Area Municipalities be encouraged to support a high level of maintenance and repair in the existing rental and owner occupied housing stock through promoting the full utilization of rehabilitation assistance programs and through regular and consistent enforcement of existing and future legislation intended to ensure proper standards of maintenance and repair."**

This recommendation can be supported. The City of Hamilton has a long record of achievement in this regard and is recognized as a leader in the Province in the delivery of various homeowner repair and rehabilitation programs.

- Rec. #18 "The Region and all Area Municipalities develop policies to maintain and promote a continuum of affordable housing options (including rooming and boarding houses, group homes, plexes, supportive living developments, converted dwellings and affordable new rental and owner occupied dwellings) within the existing urban area and in developing areas."**

Similar to Recommendation #9, the broad context of the recommendation is supportable, i.e., Region-wide responses to housing needs. However, the Region should recognize the dwelling types noted in the recommendation, specifically "converted dwellings", will be administered through the application of local zoning by-laws which are based on local conditions and community sensitivities.

- Rec. #19** "The Region encourage each Area Municipality to develop a strategy to identify areas and/or properties with potential for redevelopment, conversion or infill, and provide Regional support staff to assist in inventory development if requested."

This recommendation can be supported. The City through the Housing Intensification Study has addressed some aspects of this recommendation. A more detailed review of specific properties for their redevelopment potential, recognizing existing zoning by-law provisions, would be beneficial.

- Rec. #24** "The Region and Area Municipalities, in consultation with the development industry, review their approvals process at least once every two years for the purpose of 1) establishing and monitoring targets for the time required for plans to receive draft and final approval and 2) identifying means to increase the efficiency of the process."

This recommendation can be supported. As part of the work necessary to implement the Provincial Policy Statement Land Use Planning for Housing, staff are currently undertaking such a review to identify methods or procedures of streamlining the existing process.

- Rec. #27** "The Regional and all Area Municipalities consider issues such as: density of development; design of subdivisions and dwelling units; accessibility to services, amenities, jobs and public transportation; extent of growth; location of development; affordability of housing; quality of construction; construction techniques; and utilization of existing services in light of social and environmental consequences."

This recommendation is not clear in regard to the context Area Municipalities should consider these issues. Is the context to be the land use planning approval process? If the context is the planning approval process, then "quality of construction and construction techniques" are definitely not considered. These issues are subject to the provisions of the Ontario Building Code Act and are not land use planning matters. Clarification of this Recommendation's intent is thus required.

- Rec. #28** "The Region and Area Municipalities co-operate in the development of shared housing monitoring systems to eliminate duplication and overlap in the collection and analysis of information."

This recommendation can be supported. As part of the requirements of the Provincial Policy Statement Land Use Planning for Housing, municipalities are to prepare annual housing monitoring reports. The sharing of information sources in this regard will result in cost reductions for all the participants.

APPENDIX B

*RECOMMENDATIONS FROM THE
REGIONAL HOUSING STATEMENT UPDATE*

The final recommendations from the Regional Housing Statement Update are as follows:

- Rec. #1 *"The annual housing target of 2500 units and the housing mix of 55% single and semi detached; 26% row; and 19% apartment be adopted as a guideline for medium and long range planning in the Region."*
- Rec. #2 *"The Region in consultation with Area Municipalities and in the context of the Official Plan Review, identify and evaluate alternative land use and urban design strategies to accommodate the targetted mix, examine the impacts of targetting different unit mixes, and review the roles and responsibilities of Area Municipalities and the Region in land use planning."*
- Rec. #3 *"The target for assisted housing units be set a minimum of 500-550 units per year, with the recognition that the target must be doubled for the first five years in order to meet the backlog of demand."*
- Rec. #4 *"The Federal and Provincial Government be informed of the need for additional assisted units."*
- Rec. #5 *"Area Municipalities support the need for a variety and mix of housing in the Region by targetting not less than 35% of units in new construction as medium to high density development."*
- Rec. #6 *"Area Municipalities adopt policies and implementation strategies which would provide the opportunity for the construction of not less than 35% of all units created through new construction or intensification as medium or high density development."*
- Rec. #7 *"The Region support the goal of 25% affordable housing in new developments and work with Area Municipalities and the Regional Chairman's Task Force on Affordable Housing in the development of a definition of affordable housing for Hamilton-Wentworth and a detailed implementation strategy on how the 25% affordability will be achieved."*
- Rec. #8 *"The Planning and Development Department, in its quarterly report on subdivision and condominiums, state how draft approved plans in that quarter and draft approved plans since Council's adoption of this recommendation, compare to Regional targets with respect to the proportion of affordable housing, variety and mix of housing and total unit requirements."*
- Rec. #9 *"The Region and all Area Municipalities allow for and encourage a full continuum of housing including: owner occupied, private market and assisted rental, rooming and boarding houses, group homes, supportive living developments, converted dwellings and accessory apartments."*
- Rec. #10 *"The Regional Chairman's Task Force on Affordable Housing examine ways in which private and non-profit housing developers could utilize non-traditional housing options as a way to increase housing choice."*

- Rec. #11 *"All Regional and Area Municipal housing policies recognize recent and expected changes in population, the rapid growth of one person households and the increasing diversity of household types."*
- Rec. #12 *"The Regional Chairman's Task Force on Affordable Housing examine mechanisms (such as land dedication, bridge financing, an subdivision and condominium control) that would assist in ensuring that co-operatives and municipal and private and non-profit housing providers have access to land to allow them to deliver Provincial allocations."*
- Rec. #13 *"The Regional Chairman's Task Force on Affordable Housing evaluate alternative models for Regional involvement in land banking for municipal and private non-profit housing corporations and co-operatives."*
- Rec. #14 *"The Region encourage the establishment and expansion of Non-Profit Housing Corporations delivering a full spectrum of assisted housing in all Area Municipalities."*
- Rec. #15 *"Regional Council request the Federal and Provincial Governments to maintain and expand funding for programs that are necessary to provide a housing continuum for households with low income and other special needs. This continuum ranges from emergency shelters to transitional houses to rooming and boarding houses to supportive living arrangements to permanent affordable housing in both individual and group living settings."*
- Rec. #16 *"Area Municipalities be encouraged to support a high level of maintenance and repair in the existing rental and owner occupied housing stock through promoting the full utilization of rehabilitation assistance programs and through regular and consistent enforcement of existing and future legislation intended to ensure proper standards of maintenance and repair."*
- Rec. #17 *"Regional Council request the Federal and Provincial Governments to maintain and expand funding for programs which maintain and support a high level of maintenance and repair in the existing stock."*
- Rec. #18 *"The Region and all Area Municipalities develop policies to maintain and promote a continuum of affordable housing options (including rooming and boarding houses, group homes, plexes, supportive living developments, converted dwellings and affordable new rental and owner occupied dwellings) within the existing urban area and in developing areas."*
- Rec. #19 *"The Region encourage each Area Municipality to develop a strategy to identify areas and/or properties with potential for redevelopment, conversion or infill, and provide Regional support staff to assist in inventory development if requested."*

- Rec. #20 *"The Regional Planning and Development Department report annually on the supply of land for future residential use in relation to housing targets and recent development trends in order to identify and resolve constraints to residential development within a twenty year planning framework."*
- Rec. #21 *"The Planning and Development Department annually report on the supply of lots in draft approved and registered plans of subdivision in relation to recent development trends and to projected requirements over a three year period."*
- Rec. #22 *"The Region implement sections 14.5.1(b) and 14.5.2 of the Regional Official Plan, which require the preparation of a ten year plan to identify major sewer and water projects which are to be undertaken by the Region to achieve Regional development objectives. In considering the need for phasing of improvements and plant expansions, the plan should recognize the needs of growth within a twenty year time frame. Moreover, the Plan should be monitored on a regular basis to determine the status of infrastructure development (including roads, transit and sewers)."*
- Rec. #23 *"The Region identify area where the infrastructure is under utilized and/or in need of repair and prepare a comprehensive plan to promote increased use and repair of existing infrastructure."*
- Rec. #24 *"The Region and Area Municipalities, in consultation with the development industry, review their approvals process at least once every two years for the purpose of 1) establishing and monitoring targets for the time required for plans to receive draft and final approval and 2) identifying means to increase the efficiency of the process."*
- Rec. #25 *"Regional staff prepare an internal procedural manual describing each step of the approvals process and associated time frames."*
- Rec. #26 *"The Regional Chairman's Task Force on Sustainable Development examine ways in which Regional Housing policy can actively promote the concept of Sustainable Development."*
- Rec. #27 *"The Regional and all Area Municipalities consider issues such as: density of development; design of subdivisions and dwelling units; accessibility to services, amenities, jobs and public transportation; extent of growth; location of development; affordability of housing; quality of construction; construction techniques; and utilization of existing services in light of social and environmental consequences."*
- Rec. #28 *"The Region and Area Municipalities co-operate in the development of shared housing monitoring systems to eliminate duplication and overlap in the collection and analysis of information."*

- Rec. #29 *"The Planning and Development Department produce annual report(s) on the availability of land and residential lots for future development, the variety and mix of housing in new development, unit prices relative to the Provincial and Regional guidelines on affordability, and the loss of stock through demolitions and conversions."*
- Rec. #30 *"The Region encourage input from the home building and development industry, business and labour organizations, community groups and the public at large in the preparation of policies which relate to the Regional role in the provision and maintenance of an adequate and affordable supply of housing."*
- Rec. #31 *"The Region encourage active and direct participation from all sectors of society in developing and maintaining affordable housing units."*

CITY OF HAMILTON
- RECOMMENDATION -

18.

DATE: January 3, 1991
(ZA-90-42)

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, Commissioner
Planning and Development Department

SECOND REPORT

SUBJECT:

Request for an Official Plan Amendment and a change in Zoning - No. 2289 Barton Street East.

RECOMMENDATIONS:

- 1) That approval be given to Official Plan Amendment No. for the establishment of a Special Policy Area to permit limited commercial uses, and the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- 2) That approval be given to amended Zoning Application 90-42, Joe Majstorovich, owner, requesting a further modification in zoning to the "JJ" (Restricted Light Industrial) District regulations, to legalize the existing retail sales component of the Siding Company (Siding Master) and the existing sporting goods store, for the property located at No. 2289 Barton Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "JJ" (Restricted Light Industrial) District regulations, as contained in Section 16A of Zoning By-law No. 6593, as amended by By-laws 76-68, 80-84 and 89-48, applicable to the subject lands, be further modified to include the following variances as special requirements:

- a) That By-law 89-48, be amended by adding the following new subsections:

- 1.b.) Notwithstanding Section 16A(1) of By-law No. 6593, the following Commercial Use shall be permitted within the building existing at the date of the passing of the by-law:

<u>Use</u>	<u>S.I.C. Identification</u>
Sporting Goods Store	6541

- 1.c) Notwithstanding Section 16A(1) of By-law No. 6593, the following Industrial Use shall be permitted within the building existing at the date of the passing of the by-law provided that the retail sales area shall not exceed 50% of the gross floor area:

<u>Use</u>	<u>S.I.C. Identification</u>
Siding Work	4232

- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-449C, and that the subject lands on Zoning District Map E-103 be notated S-449C;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council;
- iv) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.

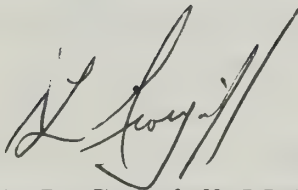
EXPLANATORY NOTE:

The Corporation of the City of Hamilton will adopt Official Plan Amendment No. to create a "Special Policy Area" to permit limited commercial uses for property located at No. 2289 Barton Street East, as shown on the attached map marked as APPENDIX "A".

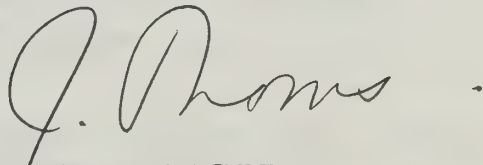
The purpose of this by-law is to provide for a further modification to the "JJ" (Restricted Light Industrial) District regulations for the above noted lands.

The effect of the by-law is to permit the following additional uses within the existing building:

- a siding company having a maximum retail sales area of 50% of the gross floor area; and,
- a sporting goods store.



A. L. Georgieff, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND:

The applicant applied for a modification to the "JJ" District regulations to permit a sporting goods store and a golf range with a restaurant. The Building Department inspected the property and noted a siding company and a horseshoe pitching club.

Originally, staff recommended approval of the siding company and the horseshoe pitching club only (see attached report). The golf range was out of business prior to the report being considered by the Planning and Development Committee.

On October 24, 1990, the Planning and Development Committee tabled the application in order that the ward Alderman and staff have an opportunity to clarify for the owner the implications of the staff's recommendation on his operation.

On December 4, 1990, the applicant and his agent met with staff and the Ward Alderman to discuss the application. The applicant amended the application requesting the siding company and the sporting goods store only.

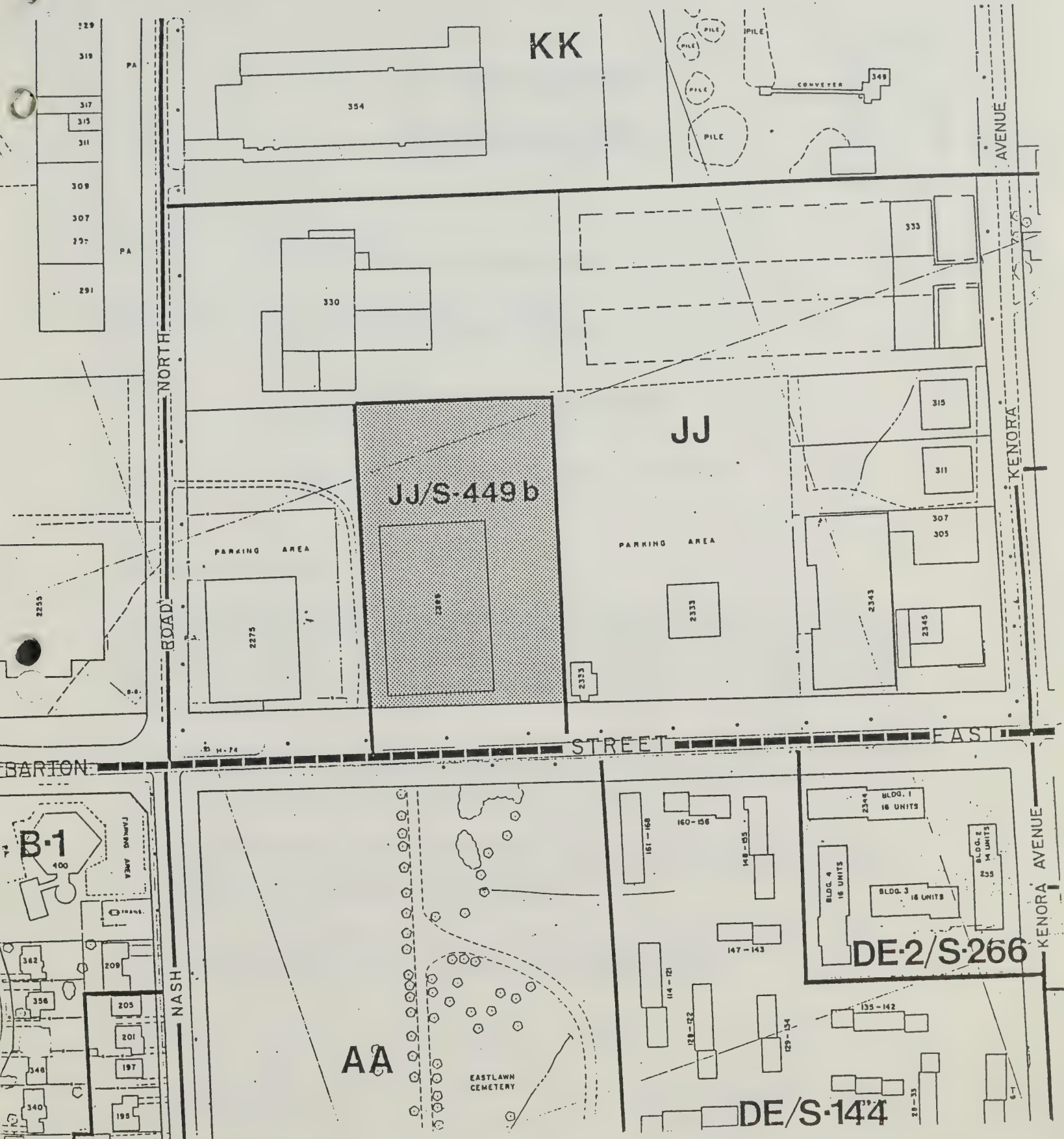
COMMENTS:

- 1) The proposal does not comply within the intent of the Official Plan. An Official Plan Amendment to create a "Special Policy Area" to permit limited commercial uses would be required (sporting goods store).
- 2) There is no Neighbourhood Plan for the Nashdale Neighbourhood.
- 3) Approval of an amended application to permit a siding and window sales company having a maximum of 50% of the gross floor area for retail sales, and the sporting goods store within the existing building can be supported for the following reasons:
 - a) the uses are no less feasible than other uses permitted under the "JJ" District regulations, as amended. Examples include furniture stores, floor covering store, rifle and archery ranges;
 - b) the uses would not have a detrimental affect on the industrial nature of the area; and,
 - c) the uses are suitably located on a major arterial road.
- 4) It should be noted that the applicant must provide parking in accordance with the Zoning By-law requirements.

CONCLUSION:

Based on the foregoing, the proposal, as amended, can be supported.

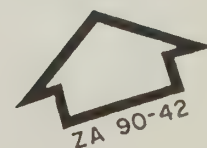
JH-E/dkp/ma



Legend



Site of the Application



APPENDIX A

19.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 11
(ZA-90-71; Macassa Neighbourhood)

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

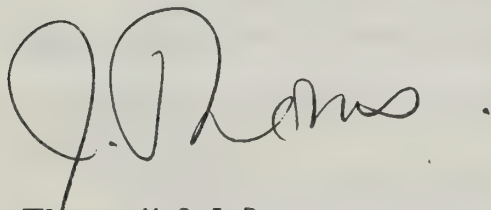
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification in zoning - No. 423 East
38th Street.

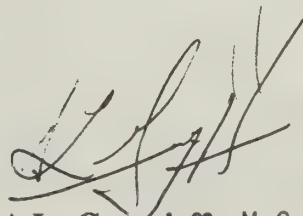
RECOMMENDATION:

That Zoning Application 90-71, Edgar and Marion Ramsay, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to legalize the existing two-family dwelling, for property located at No. 423 East 38th Street, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) the proposal is contrary to the intent of the Official Plan, in that it is an intrusion of a two-family dwelling into an area predominated by single-family homes and would contribute to an indiscriminate mix of housing types;
- ii) the application is contrary to the intent of the Zoning By-law in that only one parking space can be provided and there have been two additions on the home to facilitate the conversion of the dwelling; and,
- iii) approval of the application would encourage other similar applications which, if approved, would change the character of the neighbourhood.



J.D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANTS:

Edgar and Marion Ramsay, owners.

BACKGROUND:

- Proposal

The applicants are seeking to legalize the existing two-family dwelling. The applicants have advised that the units are 575 square feet and 1,190 square feet in area. One parking space can be provided on-site.

- Order to Comply

On July 4, 1990, the Building Department issued an Order to Comply to the applicants (see APPENDIX "B"). The requirement to comply is to reduce the occupancy to one dwelling unit or obtain a rezoning to legalize the established use. The Building Department has no record of the owners obtaining a zoning verification certificate prior to their purchase of this property.

LOT SIZE AND AREA:

The subject property has:

- 15.24 m (50 feet) of lot frontage on East 38th Street;
- 30.48 m (100 feet) of lot depth; and,
- 464.52 m² (5,000 square feet) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	two-family dwelling	"C" (Urban Protected Residential, etc.) District

Surrounding Lands

to the north, south, west,
and east

single-family dwellings

"C" (Urban
Protected Residential,
etc.) District

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the following policies are applicable:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
 - i) Provision and maintenance of adequate off-street parking;"

The proposal does not comply with the intent of the Official Plan in that it is an intrusion of a two-family dwelling into an area predominated by single-family homes and adequate parking cannot be provided. However, should the application be approved, an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN:

There is no neighbourhood plan for the Macassa Neighbourhood.

COMMENTS RECEIVED:

- The following agencies have no comment or objection:
 - Local Architectural Conservation Advisory Committee Staff;
 - Hamilton Region Conservation Authority; and,
 - Hamilton-Wentworth Regional Police.
- The Building Department has advised that:
 - "1. Only a two family dwelling converted under the requirement of Section 19 of Zoning By-law 6593 is permitted.
 2. This Department issued a building permit for a side addition in 1966 and a

rear addition in 1980.

3. This Department issued an "Order to Comply" for this location."

- The Traffic Department has advised that the application is "satisfactory".
- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands. In the absence of any details shown, we advise that any works within the East 38th Street road allowance must conform to the City of Hamilton Streets By-Law."

COMMENTS:

1. The application does not comply with the intent of the Official Plan. However, should the application be approved, an Official Plan Amendment would not be required.
2. The proposal cannot be supported for the following reasons:
 - i) it is contrary to the intent of the Official Plan, in that it is an intrusion of a two-family dwelling into an area predominated by single-family homes and would contribute to an indiscriminate mix of housing types;
 - ii) the application is contrary to the intent of the Zoning By-law. In particular, adequate parking cannot be provided - the applicants can only provide one parking space whereas two are required. Further, there have been two additions on the home which have facilitated the conversion of the dwelling. This is contrary to the philosophy and intent of the Zoning By-law which intends converted dwellings to have adequate on-site parking and maintain the integrity of the streetscape by not permitting additions.

The Building Department has no documentation regarding the year the dwelling was constructed but have indicated that the building was likely constructed in the early 1950's. This is contrary to the requirements for converted dwellings which requires such dwellings to be constructed prior to July 25, 1940; and,

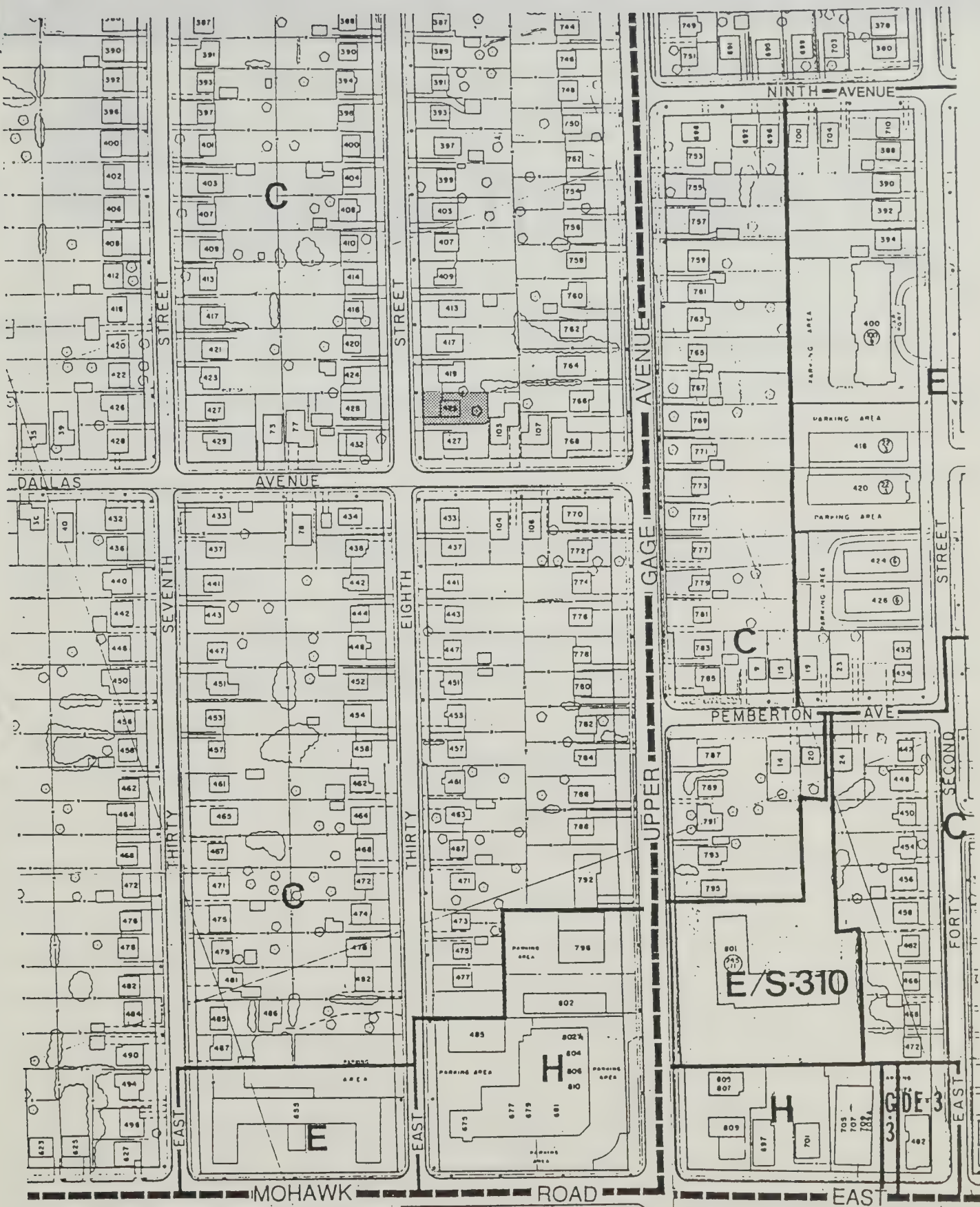
 - iii) approval of the application would encourage other similar applications which, if approved, would change the character of the neighbourhood.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

MLT:ma

WPZA9071



Legend



Site of the Application

APPENDIX A
Z-90-71



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON. ONTARIO

FILE NO:

ORDER TO COMPLY

APPENDIX B

ISSUED TO	LOCATION
Edgar Ramsay, Marion Ramsay.	423 East 38th Street.
423 East 38th Street.	HAMILTON, Ontario
Hamilton, Ontario.	
L8V 4G5	

TAKE NOTICE THAT THE occupancy
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

[illegible]

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION ARE HEREBY ORDERED TO COMPLY FORTHWITH ~~WITHIN~~ **thirty (30) days**

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

REGISTERED MAIL	July 4, 1990.	Wm. Dupont 546-2028 <i>William Dupont</i>	July 4, 1990.
RECEIVED BY	DATE	INSPECTOR	DATE



CITY COUNCIL
HAMILTON, CANADA

19a.
Alderman Tom Jackson

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 383-3470 - WARD 6

15 January 1991.

JAN 16 1991

Mrs. Susan Reeder,
Secretary,
Planning and Development Committee,
City Clerk's Department.

ZA90-71

Dear Susan:

Please find enclosed the petition I received from Mr. Steve Martin of 419 East 38th Street, pertaining to the illegal two-family dwelling unit located at 423 East 38th Street.

Can you please include this petition for the next Planning and Development Committee meeting of Wednesday, January 23, 1991.

Thank you for your cooperation in this matter.

Sincerely yours,

Tom Jackson,
Alderman, Ward 6.

TJ:dp
Enclosure

cc: Mr. Paul Mallard, Division Head, Land Use and Urban Design,
Planning Department.

The undersigned, by their signatures, object to the zoning amendment applied for with regard to the illegal two-family dwelling located at 423 East 38th Street, Hamilton, Ontario. It is our understanding the area is zoned for single family dwellings only and it is our position that the zoning designation remain unchanged.

NAME	ADDRESS
Deborah Martin	419 East 38 th St. Hamilton
Steve Martin	419 East 38 th St. Hamilton
George Loban	417 East 38 th St. Hamilton
Jean Bygg	417 East 38 th St. Hamilton
Bill Reynolds	424 East 38 St. Hamilton
Sylvia Rapovsky	424 East 38 th St. Hamilton
W.A. Kidd	413 EAST 38 th ST. HAMILTON.
Leahy Kidd	413 EAST 38 th St. Hamilton
Darryl J. Miles	427 EAST 38 th
Froy Nelson	427 EAST 38 th
Leona Johnson	409 East 38
Herald Johnson	409 East 38
Robert Little	414 East 38 th
Pamela Little	414 East 38 St.
Marg Rodger	408 East 38th St.
Bill Rodger	408 East 38th St.
Janet Hamilton	403 East 38th St.
W. Walkow & Mrs.	410 East 38 th St. R.
E. A. Knott	397 E 38 St.
Vera Knott	397 E. 38 St.
Ronald Budney	400 East 38 th St.
Mr. & Mrs. Nile Jenkins	398 East 38 th St.
Joyce Bird	393 East 38 th St.
W. Poppe	387 EAST 38 th ST
	387 East 38th St.

The undersigned, by their signatures, object to the zoning amendment applied for with regard to the illegal two-family dwelling located at 423 East 38th Street, Hamilton, Ontario. It is our understanding the area is zoned for single family dwellings only and it is our position that the zoning designation remain unchanged.

NAME	ADDRESS
D. Watson	437 East 38th St.
R. Hurdner	447 East 38th St.
Larry Kess	448 East 38th St.
John Belletre	452 East 38th St.
Danny May	458 East 38th St.
Gayle May	458 East 38th St.
Thomas Pearson	453 East 38th St.
G. White	457 EAST 38
Gloria McQuay	438 East 38th.
J. J. Graham	467 East 38th
Marie Graham	467 East 38th
David Wink	471 East 38th.
Ken James	478 E 38th.
Betty Roe	482 E. 38 St.
Tom N. Roe	482 E. 38 St.
Jim Martin	475 East 36th St.
Bob Gosper	77 Dallas Avenue
P. J. Dixon	78 Dallas Ave.
P. Hitchman	462 East 38th Street.
I. Hitchman	462 East 38th Street.
Elizabeth Susan	474 E. 38th St.
Deene Donaldson	463 E. 38th St.
Leslie Van Sickle	399 E 38th
Raymond Van Sickle	399 E. 38th
Hal Rao - Jennifer Mann	390 E. 38th St.

The undersigned, by their signatures, object to the zoning amendment applied for with regard to the illegal two-family dwelling located at 423 East 38th Street, Hamilton, Ontario. It is our understanding the area is zoned for single family dwellings only and it is our position that the zoning designation remain unchanged.

NAME	ADDRESS
Betty Hammond	383 East 38 th St. Hamilton
Louise Hammond	383 East 38 th St. Hamilton
Elizabeth Baya	384 EAST 38 th ST. HAMILTON
Pat Milne	380 EAST 38 th ST. HAMILTON
Susan Daw	380 East 38 th St. Hamilton
Ferry Allen	418 East 38 th St. Hamilton
Jack Allen	418 EAST 38 th ST. HAMILTON
Dan McKee	428 EAST 38 th ST. HAMILTON
Forayna McKenzie	428 East 38 th St. Hamilton
Stirling Hitchcock	103 Dallas Ave. Hamilton
Lois Hitchcock	103 Dallas Ave. Hamilton
Joseph Collura	107 DALLAS AVE Hamilton
Teresa Collura	107 DALLAS AVE, Hamilton
Rosa Mijic	108 DALLAS AVE, HAMILTON
M. Mijic	108 DALLAS AVE, HAMILTON
H. J. Hawk	104 Dallas Ave. Hamilton
S. J. Hawk	433 East 38 th St. Hamilton
William Lee	434 EAST 38 th ST. HAM.
Kenn. Caulfield	438 EAST 38 th ST. HAM.
Wm. Bunn	442 EAST 38 th ST. HAM.
C. M. Dadd	444 East 38 th ST. HAM.
A. Haddad	441 East 38 th St. Ham.
K. Thomas	443 E. 38 th St.
R. Collison	451 EAST 38 th ST. HAM.

The undersigned, by their signatures, object to the zoning amendment applied for with regard to the illegal two-family dwelling located at 423 East 38th Street, Hamilton, Ontario. It is our understanding the area is zoned for single family dwellings only and it is our position that the zoning designation remain unchanged.

NAME	ADDRESS
Stan Stinson	404 East 38th St.
Mario DeRenzis	73 Dufferin ave
Mrs H P Plantinga	389 East 38 street
Mr G Planting	" " "
Carla M. M. M.	394 E 38th
Richard Melnick	454 EAST 38TH STREET
Monica Melnick	" " " "
Albert Di Carlo	426 EAST 37th
James Macdonald	428 East 37th St.
C. A. Adams	432 E. 37th ST.
Ernest Colch	428 E 38th St.
Rose Colch	428 E 38th St.

CITY OF HAMILTON
- RECOMMENDATION -

20.

DATE: January 14, 1991
(ZA-90-69; Raleigh Neighbourhood)

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for modifications in zoning - Nos. 952 and 954
Concession Street.

RECOMMENDATION:

1. That approval be given to amended Zoning Application 90-69, Mr. and Mrs. M. Trikas, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit the following uses within the existing building only: medical/dental offices, professional offices, a photographer's studio, a barber shop/hair dresser, a variety store, a drug store, a video store, a retail delicatessen, a florist, a dry cleaning depot, a drapery and blinds store, a pet store, a grocery store, a self-service laundry (laundromat), and a retail bakery, for Block "1", and a modification to the established "G-3" (Public Parking Lots) District for Block "2", for property located at Nos. 952 and 954 Concession Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special provisions:
 - a) That notwithstanding Section 9(1) of By-law No. 6593, the following commercial uses shall be permitted within the existing building only:
 1. Offices for medical or dental practitioners;
 2. Professional person's office;
 3. Photographer's studio;
 4. Barbershop or hairdressing establishment;
 5. A confectionary store;
 6. Retail drugstore;
 7. Video store;
 8. Retail delicatessen store;

9. Florist;
10. A collecting and distributing station for a laundry or a dry-cleaning establishment;
11. Drapery and Blinds Store;
12. Pet Store;
13. Retail grocery store;
14. Self-Service Laundry;
15. Retail bakery.

b) That Section 18A(27) shall not apply;

ii) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of By-law No. 6593, applicable to Block "2", be modified to include the following variances as special provisions:

a) That Section 13C(3)(i) shall not apply;

b) That notwithstanding Section 13C(3)(ii), a landscaped planting strip of not less than 1.5 m in width shall be provided and maintained along the westerly and southerly lot lines;

c) That notwithstanding Section 13C(3)(iii), a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the westerly and southerly lot lines;

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-35 be notated S- ;

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-35 for presentation to City Council; and,

v) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

2. That the amending By-law not be forwarded for passage by City Council until such time as the applicants apply for and receive site plan approval for Block "2".

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations for Block "1" and a modification to the established "G-3" (Public Parking Lots) District regulations for Block "2", for property located at Nos. 952 and 954 Concession Street, as shown on the attached key map.

The effect of the By-law is to permit the following commercial uses only within the

existing building located on Block "1":

- Medical/Dental Offices;
- Professional Offices;
- Photographer's Studio;
- Barber Shop/Hair Dresser;
- Variety Store;
- Drug Store;
- Video Store;
- Retail Delicatessen.
- Florist;
- Dry Cleaning Depot;
- Drapery and Blinds Store;
- Pet Store;
- Grocery Store;
- Self-Service Laundry (Laundromat);
- Retail Bakery;

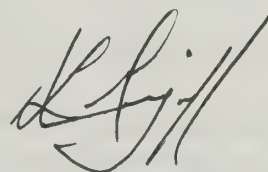
In addition, the By-law permits access via the alley at the rear of Block "1" to the parking area (Block "2").

With regard to Block "2", the effect of the By-law is to establish the following variances as special requirements:

- a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the westerly and southerly lot lines; and,
- a landscaped planting strip of not less than 1.5 m in width shall be provided and maintained along the westerly and southerly lot lines.



J.D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANTS:

Mr. and Mrs. M. Trikas, owners.

BACKGROUND:

- Proposal

The applicants are seeking a zoning modification to permit the establishment of the following commercial uses within the existing building only: medical/dental offices,

professional offices, a photographer's studio, a barber shop/hair dresser, a variety store, a drug store, a video store, a retail delicatessen, a florist, a dry cleaning depot, a drapery and blinds store, a pet store, a grocery store, a self-service laundry (laundromat), and a retail bakery.

The Building Department's records indicate that this property was originally used as a legal non-conforming office for plumbing and household appliances and a legal non-conforming beauty salon. Because the building originally had two legal non-conforming businesses, only two businesses have been permitted in the building at any one time. However, there have been six successful applications made to the Committee of Adjustment to replace the existing legal non-conforming uses with other uses. The following uses have been permitted in this building over the past thirty years (maximum of two at any one time): office for plumbing and household appliances, bicycle repair and sales, drapery outlet and associated office space, beauty salon, catering business, foodstuff and take-out service, restaurant (maximum seating capacity of 25), and a pet food and grooming store. Currently, the permitted uses are a drapery and blinds store and a pet food and grooming store.

- By-law No. 67-324

Passed by City Council on November 28, 1967, this By-law rezoned Block "2" from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District.

LOT SIZE AND AREA:

The subject property has:

- 28.04 m (92 feet) of lot frontage on Concession Street;
- 30.48 m (100 feet) of lot frontage on Upper Gage Avenue; and,
- 854.7 m² (9,200 square feet) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	drapery and blinds store, pet food and grooming store, and one dwelling unit	"C" (Urban Protected Residential, etc.) District

Surrounding Lands

to the north	Mountain Drive Park	"A" (Conservation, Open Space, Park and Recreation) District
to the south, west and east	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, for which the following policies are noted:

- "A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.
- A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.
- A.2.2.26 The maximum site areas of any LOCAL COMMERCIAL development will not exceed .4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services.
- A.2.2.28 Notwithstanding the above provisions, when considering new development in this category, Council will give preference to the grouping of individual LOCAL COMMERCIAL uses in suitable locations to prevent the scattering of such establishments throughout Residential areas."

The uses proposed for the existing building are considered to be local commercial uses. The proposal does not conflict with the intent of the Official Plan.

The subject lands are also located within Special Policy Area 1b, the Niagara Escarpment Planning Area, for which the following policy should be noted:

"A.2.9.1.1 The lands shown on Schedule "B" as SPECIAL POLICY AREA 1 lie within the recommended NIAGARA ESCARPMENT Planning Area. To implement the proposed Plan for the NIAGARA ESCARPMENT, SPECIAL POLICY AREA 1 is subdivided as shown on Schedule "B" into Areas '1a' and '1b', for which the following provisions will apply:

- ii) It is intended that development in Area '1b' will have a minimal impact on the adjacent ESCARPMENT (Area '1a'). Accordingly, the nature of development, as defined in Schedule "A" for this Area, will be at a density, scale and height which is compatible with the ESCARPMENT."

The proposal does not conflict with the above noted policy.

NEIGHBOURHOOD PLAN:

There is no plan for the Raleigh Neighbourhood.

COMMENTS RECEIVED:

- The following agencies have no comment or objection:
 - Local Architectural Conservation Advisory Committee Staff; and,
 - Hamilton Region Conservation Authority.
- The Building Department has advised that:

"None of the uses are normally permitted in the "C" zoning. Some of the uses will require large parking areas."
- The Traffic Department has advised that:

"Please be advised that we have reviewed the above-noted application and find the requested modifications to the zoning satisfactory."
- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The existing road allowance widths of Upper Gage Avenue and Concession Street is 20.12 m. The applicant should be advised of a possible future road widening consisting of a 7.62 m x 7.62 m maximum daylight triangle at the southwest corner of Concession Street and Upper Gage Avenue to improve the turning radius. Should the existing buildings be demolished, we recommend that these lands be developed through site plan control and that the daylight triangle be dedicated to the Region as a condition of site plan approval.

It would appear from our records that the existing fence adjacent to the G-3 Parking lot encroaches into the Concession Street road allowance. Any fence should be on private property only and should be no higher than 0.6 m adjacent to Concession Street or within 3 to 5 m of the Concession Street road allowance.

Comments from the City of Hamilton Traffic Department with respect to access, setback, parking, manoeuvring etc. should be considered."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it is suitably located at the intersection of two major roads (Upper Gage Avenue and Concession Street);
 - ii) the proposed uses are no less feasible than the existing uses and various uses approved by the Committee of Adjustment (i.e. restaurant, offices for plumbing supply store, bicycle repair shop). The historical use of this building has been for commercial purposes and the additional commercial uses would not alter the character of the neighbourhood; and,
 - iii) as the commercial uses would be within the existing building only, the additional uses would not aggravate an existing situation.
3. One variance has been identified for Block "1". Currently, the parking area (Block "2") may be accessed by the alley at the rear of Block "1". Section 18A(27) of the City's Zoning By-law prohibits access to a commercial zoning district (in this case, the "G-3" zoned parking area being Block "2") via residentially zoned land (in this case, the "C" zoned land being Block "1"). This is an existing situation and the parking area is intended to serve the clients of the businesses located on Block "1". For these reasons, relief from this requirement can be supported.
4. Block "2" (the parking area) adjoins single-family residential homes to the west and south. It would be appropriate to require a visual barrier and a landscaped planting strip to be provided and maintained along both lot lines. These measures would mitigate any spillover effects on the adjoining residential homes.

With respect to parking, approximately ten spaces can be provided which, given the size of the existing building, would appear to be adequate for the proposed range of uses.

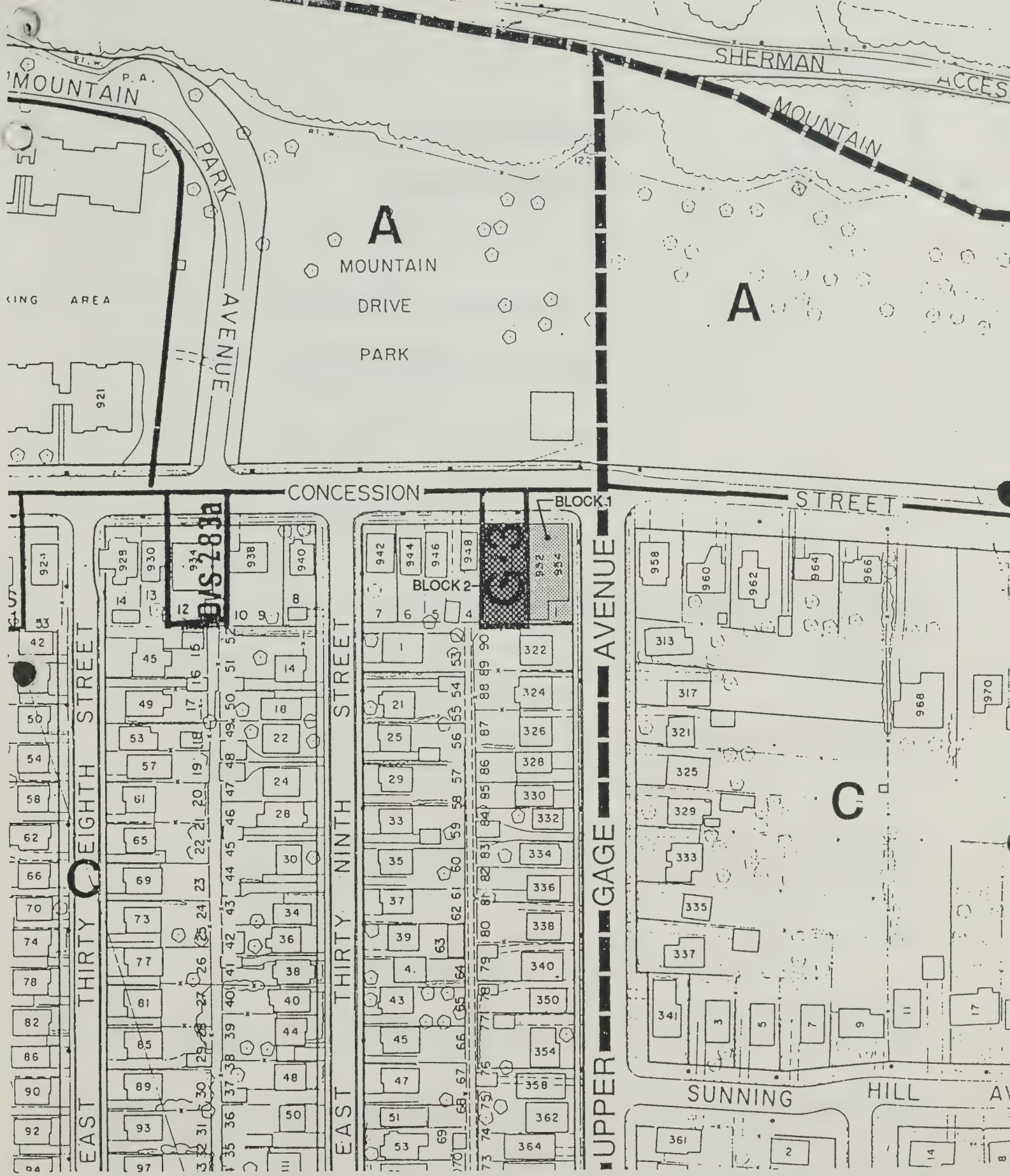
5. As there are outstanding issues to be addressed for the parking area (Block "2"), it would be appropriate that the amending By-law not be forwarded for passage by City Council until such time as the applicants apply for and receive site plan approval for Block "2".

CONCLUSION:

On the basis of the foregoing, the application can be supported.

MLT:ma

WPZA9069



BLOCK 1



Modification to the "C" (Urban Protected Residential, etc.) District regulations.

BLOCK 2



Modification to the "G-3" (Public Parking Lots) District regulations.



ZA90-69

APPENDIX A

CITY OF HAMILTON
- RECOMMENDATION -

21.

DATE: January 11, 1991
(ZA-90-76; Raleigh Neighbourhood)

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification to Zoning - No. 832
Concession Street

RECOMMENDATION:

That approval be given to Zoning Application 90-76 Martino Residential Care Centres, Owner, for a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to permit an increase in the capacity of the established residential care facility from 53 to 60 residents for lands located at No. 832 Concession Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

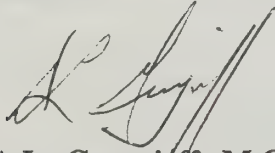
- i) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
 - a) That notwithstanding clause (iiib) of Subsection 1 of Section 11 of By-law No. 6593 a residential care facility for the accommodation of a maximum of 60 residents shall be permitted only within the building existing at the date of passing of this By-law;
 - b) That notwithstanding Section 18A. TABLE 1 1.(1) of By-law No. 6593 a minimum of 4 parking spaces shall be provided and maintained.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - and that the subject lands on Zoning District Map E-35 be notated S - ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-35 for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for property located at No. 832 Concession Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit an increase in the capacity of the established residential care facility from 53 to 60 residents.

In addition, the By-law requires a minimum of 4 off-street parking spaces to be provided and maintained, whereas 20 off-street parking spaces are required.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the application is to permit an increase in the capacity of the established residential care facility from 53 beds maximum to 60 beds maximum.

- Committee of Adjustment Applications

A-87-176

On July 23, 1987 the Committee of Adjustment considered and approved minor variance application A-87-176 to permit an increase in occupancy of the existing residential care facility from 53 residents (legal non-conforming) to a new total of 62 residents, notwithstanding the By-law permits a maximum of 20 residents, for the following reasons:

"As evidenced in the written comments of the Regional Planning and Development Department, the relief granted is of a minor nature.

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief granted herein is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 44 of the Planning Act, 1983."

On March 28, 1988 the Ontario Municipal Board heard an appeal against the decision of the Committee of Adjustment to approve the application. The conclusion of the Board was, "that the application does not satisfy the intent of the Zoning By-law and it therefore fails for that reason and findings need not be made on other related matters in this case."

• A-86-155

On July 24th, 1986, the Committee of Adjustment considered and denied minor variance application A-86-155 to permit an increase in the occupancy of the existing residential care facility from 53 residents (legal non-conforming) to a new total of 63 residents, notwithstanding that the By-law permits a maximum of 20 residents, and that the additional required number of 4 off-street parking spaces would not be provided on-site.

The application was denied for the following reasons:

"The Committee having regard to the fact that the By-law permits a maximum number of 20 residents cannot justify an increase from 53 to 63 residents as a minor variance.

The Committee is not aware of any substantial reasons to justify the need for an increase in the occupancy of the building.

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief requested herein is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 44 of the Planning Act, 1983."

On November 10, 1986, the Ontario Municipal Board heard an appeal by the applicant 642280 Ontario Inc., from a decision of the Committee of Adjustment whereby the Committee dismissed the minor variance application.

In its decision, the Board concluded that the variances asked for are not minor, nor are they desirable for the appropriate development and use of the property and building. Accordingly, the appeal was dismissed and the application for the two variances refused.

APPLICANT:

Martino Residential Care Centre, owner

LOT SIZE AND AREA

- 21.12 m (69.3 feet) of lot width; and,
- 39.62 m (130.0 feet) of lot depth; and,
- 836.94 m² (9,009.0 sq. feet) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	53 bed residential care facility	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified.
<u>Surrounding Lands</u>		
to the north	Apartment buildings	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the south	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Apartment buildings	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the west	Single-Family Dwellings	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan and subject to, among others, the following policies:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- ii) Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provisions for Major Institutional Uses as set out in Subsection A.2.6 of this Plan."

In addition, the policies from Section C.7 - Residential Environment and Housing Policy are applicable:

- "C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;
 - v) Support the concept of an accessible RESIDENTIAL community throughout Hamilton and will encourage the development of a wide range of RESIDENTIAL care and short-term facilities through appropriate recognition in the Zoning By-law;"

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

A neighbourhood plan is not available for the Raleigh Neighbourhood.

COMMENTS RECEIVED

- The Building Department has advised that:
 "Twenty (20) car parking spaces to be provided."
- The Traffic Department has advised that:
 "The Zoning By-law requires that a 60 bed residential care facility provide a minimum of 20 parking spaces on-site. From our site visit it was noted that the applicant can only provide a maximum of 4 parking spaces on-site. On this basis, we are unable to support this application."
- The Hamilton-Wentworth Engineering Department has advised that:
 "There are public watermains and combined storm and sanitary sewers available to service these lands.
 In the absence of any details or plans being submitted, we advise at this time that any works within the Concession Street road allowance must conform to the Region's Road Use By-law."
- The Hamilton-Wentworth Department of Social Services has advised that:
 "As you are aware, this location was refused an increase in licensed capacity to 62 beds by the OMB in a decision dated March 28, 1988. Very little has changed in the local situation since then."

The Region's purchase of service arrangement with operator's of Second Level Lodging Homes specifies a 24 bed limit. The intent of this ceiling is to avoid large "institution-like" residences. When this was introduced a number of facilities like 832 Concession were "grandfathered" at their current levels (eg. 53 beds in this case).

This maximum limit is currently under review. A proposal to lift this limit and replace it with a set of guidelines has been tabled by the Health and Social Services Committee until comments have been received from the District Health Council. Until a change is adopted (if adopted) staff are supportive of the current policies.

In addition, there are approximately 241 beds that are not occupied, at the moment, in the lodging homes subsidized by the Region; clearly, there is no need now in the subsidy system for more beds."

CONCLUSION:

1. The proposal does not conflict with the intent of the Official Plan.
2. The current rezoning application is similar in nature to the previous minor variance application A-87-176 which was approved by the Committee of Adjustment but, as a result of an appeal of its decision by an adjoining property owner, was denied by the Ontario Municipal Board. With regard to the previous minor variance application, the Planning and Development Department's comments submitted noted that the proposal warranted consideration for the following reasons:
 - "a) the predominant use of the lands fronting Concession Street in the immediate surrounding area is apartment buildings; and,
 - b) there is sufficient unused space within the existing building to accommodate the increase in the number of residents; and,
 - c) since the proposed increase in the number of residents will be accommodated within the existing building, the character of the area would not be altered; and,
 - d) because residents of the facility do not own cars it is felt that sufficient on-site parking is being provided for the type of use proposed; and,
 - e) the proposed increase in the number of residents would appear to be minor in nature."
3. The following is a summary of the positive and negative aspects of the proposal:
 - Positive Aspects
 - a) the previously noted points made in connection with the Committee of Adjustment application are still valid;

- b) there are no other residential care facilities established within the prescribed 180m radial separation distance. In this regard, the closest facility is located approximately 1,000 m to the west at No. 483 Concession Street west of Upper Wentworth Street;
 - c) this property as well as two other adjoining properties were previously licensed by the Province of Ontario as a 197 bed nursing home complex. Upon the sale of two of the buildings in 1986 and their conversion to condominium apartments, the subject building retained its capacity of 53 beds and became a legal non-conforming residential care facility for licensing purposes by the City. Technically, its institutional type use remains the same, however, it is no longer a Provincially Licensed facility;
 - d) it is situated on a public transit route;
 - e) it is situated within close proximity to commercial and medical facilities including Henderson General Hospital and medical clinics and offices in the vicinity of the hospital.
- o Negative Aspects
- a) Under the provisions of the Zoning By-law the maximum capacity of a residential care facility in an "E" (Multiple Dwellings, Lodges, Clubs, etc.) District is 20 residents whereas 53 residents (legal non-conforming) are established on-site. Approval of the application to increase the capacity to 60 residents could be construed as a precedent for future similar applications.
 - b) Under the provisions of Section 18A of the Zoning By-law a 60 bed residential care facility would require a minimum of 20 on-site parking spaces, whereas only 4 on-site parking spaces (legal non-conforming) are available.

It should be noted, that the capacity limitation of 20 residents in the "E" District, among others, was intended to promote a family like setting rather than a "mini-institutional" environment. However, such a restriction was not intended to preclude larger facilities which are to be reviewed on their own merits either through an application to the Committee of Adjustment for a variance, or to the Planning and Development Committee for a zoning modification.

In this regard, the subject facility has a legal non-conforming capacity of 53 residents which is comparable to a "mini-institution". Accordingly, the proposed increase in capacity (7 residents or 13%) is considered a relatively small increase and should not unduly aggravate the existing situation, in that the additional residents are to be accommodated within the existing building.

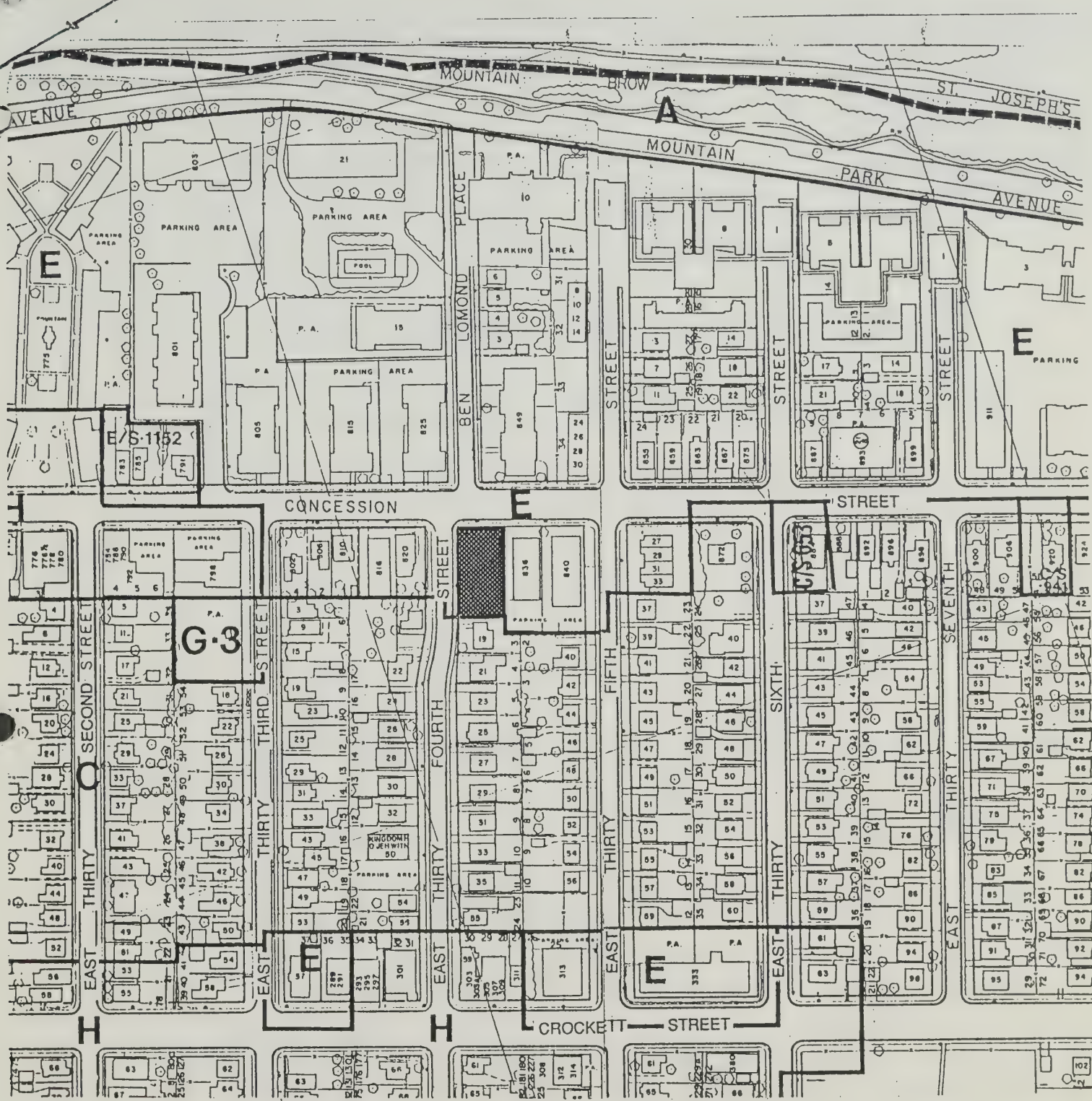
With respect to parking, the proposed increase in resident capacity would require 3 additional parking spaces ($7 \div 3$). Given the relatively small increase in the number of residents, and the site constraints, a variance to reduce the parking requirement can be supported.

Furthermore, given the location of the subject property on an arterial road (Concession Street), the predominant character of existing uses in the surrounding area (multiple dwellings), and its proximity to medical facilities, public transit, etc., the application can be supported.

CONCLUSION:

It is recommended that the application as submitted be approved.

GW/dkm/ma
WPZA9076



Legend



Site of the Application

Leslie Mayo
44 East 35 St.
Hamilton, Ont
L8V 3X8
387-5339

JUL 11 1991
RE
2A90-76

21a.

To Whom it may concern

In regard to your proposal
of enlarging, Martino Residential
Care Centre residing at #832 Concession
Street from 53 residents to 60 residents

I feel that the care of these 53
patients will be further jeopardised
by trying to handle more residents
in an already overcrowded dirty
establishment. I have observed
on my walks to the I.G.A. store
over the past five years the lack
of "care" that goes into maintaining
a so called "Home" for the
elderly and disabled patients

that reside in this establishment.

There is an outdoor patio equipped with table & chairs for the use of outdoor activity, i.e. fresh air for some of the 53 patients who live there. Obviously it takes time and some organization to take some of these 53 patients outdoors to show them there is life beyond the four walls they see everyday, I have seen maybe three people use this patio each summer.

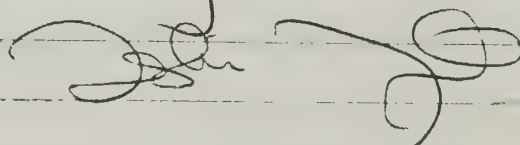
In the spring of 1988 some eggs were thrown at one of the bottom windows in April.

making a disgusting mess
for the street observer. Always
mind the view that the residents
had to put up with, in the
four months it took them to
have the window's cleaned. I
would walk my toddlers to
the I.G.A each week waving
to the residents that would
sit at the window to observe
the street activity, I thought
to myself, I hope I will be more
fortunate in my old age or if
I was ever to become disabled
that I would not end up in

A so called "Home" that
 Can't even clean the bottom
 window so that I may look
 out and observe the daily
 life that goes on, beyond my
 humble surroundings of my room.

Quality not Quantity should
 be the word adopted by
 the, Martino Residential Care
 Centres in the care of the
 residents and the Quality of
 life they lead in this so called
 "Home" away from home.

Sincerely Leslie Mayo



21b.

23 East 34 St.
Hamilton, Ontario
L8V 3W2.

Jan 7/91

Dear Sir or Madam, ZFA90-76

I wish to state my objections to "Modification to the District E regulations at the 832 Concession St. property."

As a 33-year resident of the above property, I have seen the area deteriorate considerably since the property at 832 Concession St. was converted from apartments to its present state. At that time no one was informed what was happening.

There was no notification from the City, and no one was aware of what was

happening, until the changes took place.

This is a very poor area for this type of establishment, one reason being the very close proximity of two licensed establishments.

There appears to be little or no control over the residents.

They have been known to ask people for money on the street, and in the winter time some of them are very poorly clothed.

I personally thought that when the Ontario Municipal Board turned the place down for more sheds a few years ago, the matter was closed.

As I cannot attend

the meeting, I would
like this letter read
at the appropriate time.
~~has~~

Sincerely
Malcolm Dunlop.

RECEIVED

JAN 10 1991

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URBAN/MUNICIPAL CSIPY
1991

1991 January 25th

URBAN MUNICIPAL

Mr. J. Pavelka, Director of Public Works
Mr. L. King, Building Commissioner
Mr. S. Ghanem, Director of Economic Development
Mr. T. Gill, Acting Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Attention: Mr. R. Karl
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

GOVERNMENT DOCUMENTS

Attached herewith are the minutes of the **Planning and Development Committee** meeting held Wednesday, 1990 December 5th.

These minutes were approved by the Planning and Development Committee at its meeting held Wednesday, 1991 January 23rd.

Yours very truly,

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

Attch's.

- cc's - M. W. B. O'Brien, Director of Transportation Services, H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. Douglas Kelterborn, Board of Education

Wednesday, 1990 December 5
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairman
Alderman D. Drury, Vice-Chairman
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Wilson
Alderman D. Ross
Alderman V. Formosi
Alderman H. Merling

Regrets: Mayor Robert M. Morrow - Civic Business

Also present: Alderman B. Hinkley
Alderman D. Agostino
Alderman T. Cooke
Mr. Kelterborn, Board of Education
Mr. L. Sage, Chief Administrative Officer
Mr. E. Matthews, City Treasurer
Mr. A. Georgieff, Director of Local Planning
Mr. J. Thoms, Commissioner of Planning and Development
Mr. P. Mallard, Planning Department
Mr. J. Lakatos, Planning Department
Mr. K. Brenner, Regional Engineering Department
Mr. J. Robinson, Building Department
Mr. D. Godley, Planning Department
Mrs. N. Chapple, Planning Department
Mr. B. Allick, Building Department
Mr. G. Aston, Regional Engineering Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. M. Mascarenhas, General Manager, Municipal Non-Profit
(Hamilton) Housing Corporation
Mr. J. Schatz, Secretary, Management Team
Mr. R. Hammel, Treasury Department
Ms. J. McNeilly, Public Works Department
Mr. N. Adhya, Treasury Department
Mr. D. Carson, Mayor's Office
Mrs. J. Hickey-Evans, Planning Department
Mr. B. Janssen, Planning Department
Mrs. Susan K. Reeder, Secretary

1. CONSENT AGENDA.

ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT
COMMITTEE:

- A. The Committee approved the minutes of their last meeting held on Wednesday, 1990 November 21 as circulated.

B.- BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS
F.

The Committee was in receipt of reports from the Building Commissioner, respecting Demolition Permit Applications and approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 186 Queen Street North
- (b) 188 Queen Street North
- (c) 45 Beechwood Avenue
- (d) 270 Dundonald Avenue
- (e) 1530 Upper James Street

G. COMMERCIAL FACADE LOAN PROGRAMME - Increase for 207 and 209 King Street East.

The Committee was in receipt of a report from the Building Commissioner dated 1990 November 15, respecting the above-noted matter and approved the following:

That an increase under the Commercial Facade Loan Programme, in the amount of two thousand, seven hundred and fifty-four dollars (\$2,754.) be approved for 207-209 King Street East, Mr. U. Kim for a new loan amount of forty-five thousand dollars (\$45,000.). The interest rate will be 7-3/8 percent, amortized over 10 years.

H. COMMERCIAL FACADE LOAN PROGRAMME - 640 Concession Street.

The Committee was in receipt of a report from the Building Commissioner dated 1990 November 28, respecting the above-noted matter and approved the following:

That a Commercial Facade Loan, in the amount of fifteen thousand dollars (\$15,000.) be approved for 640 Concession Street, Dr. William Cowan. The interest rate will be 6-5/8 percent, amortized over 10 years.

I. CITY OF HAMILTON HERITAGE PROGRAMME - 900 Woodward Avenue (The Hamilton Museum of Steam and Technology).

The Committee was in receipt of a report from the Building Commissioner dated 1990 November 27, respecting the above-noted matter and approved the following:

That a Designated Property Grant in the amount of three thousand dollars (\$3,000.) be provided to The Hamilton Museum of Steam & Technology, 900 Woodward Avenue, Hamilton.

J. CITY OF HAMILTON HERITAGE PROGRAMME - 64 Forest Avenue (Church of the Ascension).

The Committee was in receipt of a report from the Building Commissioner dated 1990 November 27, respecting the above-noted matter and approved the following:

That a Designated Property Grant in the amount of three thousand dollars (\$3,000.) be provided to the Church of the Ascension, 64 Forest Avenue, Hamilton.

K. CITY OF HAMILTON HERITAGE PROGRAMME - 41 Jackson Street West (Whitehern).

The Committee was in receipt of a report from the Building Commissioner dated 1990 November 27, respecting the above-noted matter and approved the following:

That a Designated Property Grant in the amount of three thousand dollars (\$3,000.) be provided to Whitehern, 41 Jackson Street West, Hamilton.

ADDED - CITY OF HAMILTON HERITAGE PROGRAMME - 260 MacNab Street North.

The Committee was in receipt of a report from the Building Commissioner dated 1990 December 4, respecting the above-noted matter and approved the following:

That a repayable loan under the Community Heritage Trust Fund in the amount of one thousand, one hundred and twenty-five dollars (\$1,125.) be approved for Jane & Paul Rigby, 260 MacNab Street North, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of one thousand, one hundred and twenty-five dollars (\$1,125.) be provided to Jane & Paul Rigby, 260 MacNab Street North, Hamilton.

L. CITY SOLICITOR - Amendment to By-law No. 90-232 - Regulation of Gun Shops.

The Committee was in receipt of a report from the City Solicitor dated 1990 November 16, respecting the above-noted matter and approved the following:

That the City Solicitor be authorized and directed to amend By-law No. 90-232 respecting the regulation of gun shops, to make certain housekeeping changes giving effect to City Council's original intent.

M. ACTING COMMISSIONER OF ENGINEERING - Cash payment in lieu of parkland - Effort Gardens and Effort Gardens Extension.

The Committee was in receipt of a report from the Acting Commissioner of Engineering dated 1990 November 27, respecting the above-noted matter and approved the following:

- (a) That the City of Hamilton accept the sum of \$98,475. as cash payment in lieu of the 5% parkland dedication, in connection with Effort Gardens, Hamilton.
- (b) That the City of Hamilton accept the sum of \$16,815. as cash payment in lieu of the 5% parkland dedication, in connection with Effort Gardens Extension, Hamilton.

NOTE: The above figures represent the cash requirement under Section 50 of the Planning Act.

These lands are located north of Stone Church Road and east of Upper James Street, in the Jerome Neighbourhood, Hamilton.

REGULAR AGENDA

2. BUILDING COMMISSIONER - Demolition Permit Application - 105 Aberdeen Avenue.

The Committee was in receipt of a report from the Building Commissioner dated 1990 November 26, respecting the above-noted matter and approved the following:

That the application for demolition of 105 Aberdeen Avenue be referred to the Local Architectural Conservation Advisory Committee (L.A.C.A.C.) for consultation.

3. CITY SOLICITOR - GGS Hotel Holdings Canada Inc. and the Sheraton Hamilton Hotel Assignment of Mortgage from Century Leasing System, Inc. to Chigin-Seiho Housing Loan Co. Ltd.

The Committee was in receipt of a report from the City Solicitor dated 1990 November 28, respecting the above-noted matter and approved the following:

By Ground Lease dated 1983 May 3, The Corporation of the City of Hamilton leased the Sheraton Hotel site to Lakeview Development Ltd. With Council's approval as landlord, Lakeview Development Ltd. assigned this Lease in 1989 April, to a new Lessee, namely GGS Hotel Holdings Canada Inc. On 1990 July 31, the City, as Landlord approved a Ground Lease mortgage being made by GGS Hotel Holdings Canada Inc. (as borrower) - in favour of Century Leasing System, Inc. (Mortgage lender) in the amount of \$23,950,000. at 20% per annum.

It is recommended that:

- (a) GGS Hotel Holdings Canada Inc.'s request to the City as Landlord for approval to change the Mortgage lender from Century Leasing System, Inc. to Chigin-Seiho Housing Loan Co., Ltd. be approved.

This approval is subject to the condition that the City receives from GGS Hotel Holdings Canada, Inc. and Chigin-Seiho Housing Loan Co., Ltd., an Agreement (titled Section 16.01 Agreement) under which this new lender covenants to comply with the Ground Lease if it ever takes over the Hotel. The Mayor and City Clerk are hereby authorized to execute this Agreement. This Agreement shall be registered on title to the Hotel by GGS Hotel Holdings Canada Inc. as required by the Ground Lease and the Hotel Interface Agreement dated 1984 July 30 (sec. 13(g)).

- (b) A Mortgage Amending Agreement be approved by the City as Landlord between GGS Hotel Holdings Canada Inc. and Chigin-Seiho Housing Loan Co., Ltd. (titled Mortgage Amending Agreement) to clarify the repayment terms of the mortgage and the method of calculating interest under the Mortgage. The other terms, namely the size of the loan, \$23,950,000. and the interest rate (20%) to remain the same;
- (c) An Estoppel Certificate be issued by the City as Landlord to the new Mortgagee Chigin-Seiho Housing Loan Co., Ltd. under which the City confirms to the lender that the Ground Lease is in good standing (This Certificate confirms among other matters, that there are no rent, realty or business taxes outstanding);
- (d) That a Certificate be issued by the City in which the City confirms to the new lender that GGS Hotel Holdings Canada Inc. is in compliance with its obligations to the City in the Interface Agreement, the Pedestrian Bridge Agreement, the Truck Tunnel Agreement and the Canopy Encroachment Agreement.

NOTE: The documents being approved, namely the 16.01 Agreement, the Mortgage Amending Agreement, the Estoppel Certificate and the Certificate are attached herewith and marked as Appendix "A".

Under the Ground Lease (sec. 16.01) dated 1983 May 3, assumed by GGS Hotel Holdings Canada Inc. in 1989, GGS Hotel Holdings Canada Inc.'s mortgagee and a change in the Mortgagee is subject to this approval of the City as Landlord. This change of lenders does not affect the City's rights as Landlord nor does the mortgage between GGS Hotel Holdings Canada Inc. and its lender oblige the City at any time to advance or to repay any loan.

4. MANAGEMENT TEAM - Report on the 1991-1995 Capital Budget.

The Committee was in receipt of a report from the Secretary of the Management Team dated 1990 December 3, respecting the above-noted matter.

The City Treasurer spoke to the Committee with respect to this report and the Committee made the following amendments:

- (a) To delete the word "endorsed" from line 2 of the recommendation; and,
- (b) To remove Project No. 173.5 - Planning - Enclaves Clearance - Phase II, from the listing of 1991-1995 Provisional Capital Budget Programme.

It was agreed that the Commissioner of Planning and Development will bring a report to the Planning and Development Committee in 1991 for inclusion of the Enclaves Clearance - Phase II Programme in the 1996 Capital Budget.

5. DIRECTOR OF LOCAL PLANNING - City Initiative 83-B - Review of Application Fees.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 November 26, respecting the above-noted matter.

The Commissioner recommended the following:

That approval be given to City Initiative 83-B, respecting the review of fees for applications to the Planning and Development Department on the following basis:

- (a) That, for 1991, the application fees remain at the current levels; and,
- (b) That the Planning and Development Department be directed to undertake a detail review of application fees for 1992 and 1993.

The Committee discussed this matter at some length and agreed to approve an increase based on the rate of inflation and approved the following recommendation:

That the application fees for Official Plan Amendments, Rezoning Applications, Official Plan Amendment and Rezoning Applications, Site Plan Control Applications and amended Site Plan Control Applications be increased annually at the rate of inflation.

NOTE: The current fees for the above-noted services are as follows:

- | | | |
|-----|--------------------------------------|------------|
| (a) | Official Plan Amendment | \$ 750.00 |
| (b) | Rezoning Application | \$ 750.00 |
| (c) | Official Plan Amendment and Rezoning | \$1,500.00 |
| (d) | Site Plan Control | \$ 350.00 |
| (e) | Amended Site Plan | \$ 150.00 |

6. DIRECTOR OF LOCAL PLANNING - Subdivision Application 25T-85035, Elia Heights (formerly Eleanor Heights) revision to Draft Approved Plan of Subdivision, Eleanor Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 November 13, respecting the above-noted matter and approved the following:

- (a) That approval be given to amend a previously draft approved plan of subdivision which was recommended for approval by City Council on 1986 March 25, for "Eleanor Estates", owned by N. Elia, Hamilton, Ontario, under Regional File No. 25T-85035, by deleting all previous conditions and replacing same with the following conditions:
 - (i) That this approval apply to the plan prepared by A. J. Clarke, dated 1990 November 1, showing 17 lots, one Block (Block "18") for road widening and one block (Block "19") as part of a road.
 - (ii) That the road allowance and the widening for Stone Church Road East be dedicated as a public highway on the final plan.
 - (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iv) That the proposed subdivision conform with the Zoning By-law approved under The Planning Act.
 - (v) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot in the final plan.

- (viii) That sufficient lands be dedicated to the Region to establish the property line 15.24m (50 ft.) from the centreline of the original Stone Church Road road allowance, and that the road widening be dedicated on the final plan.
 - (ix) That the future Eaglewood Drive align with the future Eaglewood Drive, to be established to the east of this proposed development as indicated on the approved Eleanor Neighbourhood Plan.
 - (x) That sufficient lands be dedicated to establish Eaglewood Drive road allowance to its full width of 20.0m west of Eleanor.
 - (xi) That sufficient lands be dedicated to the City at this time to create a 15m radius cul-de-sac approximately 32m south of Stone Church Road.
 - (xii) That the owner agrees, in writing, to satisfy all requirements, financial and otherwise, of the City of Hamilton.
 - (xiii) That the owner satisfy the requirements of the Ministry of the Environment in regard to possible excessive noise.
- (b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-85035), Nick Elia, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

NOTE: The lands, comprised of .929 ha., are located on the south side of Stone Church Road East and on the west side of Eleanor Avenue in the Eleanor Neighbourhood, being part of Lot 8, Concession 8, formerly in the Township of Barton, now in the City of Hamilton.

7. DIRECTOR OF LOCAL PLANNING - Proposed renaming of Ridge Street to Jeremy Street, Jerome Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 November 20, respecting the above-noted matter and approved the following:

- (a) That approval be given to proceed with the required publication of a proposed by-law to rename Ridge Street to Jeremy Street.
- (b) That approval be given to hold a public meeting to consider the passing of a by-law to change the name of Ridge Street to Jeremy Street.

NOTE: Ridge Street was established by Registered Plan No. 1055 in the Jerome Neighbourhood and is also existing in the Greeningdon Neighbourhood north of Limeridge Road East. To avoid duplication of a road name, that section of Ridge Street located in the Jerome Neighbourhood should be renamed.

Ridge Street in the Jerome Neighbourhood is located north and south of Chipman Avenue east of James Street.

8. DIRECTOR OF LOCAL PLANNING - C.A.P.I.C. - Terms of Reference.

The Committee was in receipt of a report from the Chairperson of the Central Area Plan Implementation Committee (C.A.P.I.C.) dated 1990 November 28, respecting the above-noted matter and approved the following:

That the Terms of Reference of the Central Area Plan Implementation Committee, attached herewith and marked as Appendix "B", be approved.

9. DIRECTOR OF LOCAL PLANNING - Neighbourhood Plan Amendments - Housekeeping

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 November 20, respecting the above-noted matter and approved the following:

That approval be given to the following Neighbourhood Plan amendments:

- (a) That the approved Vincent Neighbourhood Plan be amended by redesignating the lands at 245 Quigley Road, as shown as Block "1" on Schedule "A", attached herewith and marked as Appendix "C", from "Low Density Apartments" to "Attached Housing";
- (b) That the approved Broughton East Neighbourhood Plan be amended by redesignating the lands on both sides of Derby Street, as shown as Block "1" and Block "2" on Schedule "B", attached herewith and marked as Appendix "D", from "Medium Density Apartments" to "Attached Housing";
- (c) That the approved Ainslie Wood West Neighbourhood Plan be amended by redesignating the lands at 1967 Main Street West, as shown as Block "1" on Schedule "C", attached herewith and marked as Appendix "E", from "Low Density Apartments" to "Attached Housing";
- (d) That the approved Templemead Neighbourhood Plan be amended as follows:
 - (i) By redesignating the lands at 1073, 1081, and 1085 Rymal Road East, as shown as Block "1" on Schedule "D", attached herewith and marked as Appendix "F", from "Medium Density Apartments" to "Attached Housing";
 - (ii) By redesignating the lands at 1067 Rymal Road East, as shown as Block "2" on Schedule "D", attached herewith and marked as Appendix "F", from "Medium Density Apartments" to "Attached Housing";
 - (iii) By redesignating the lands at 1097 Rymal Road East, as shown as Block "3" on Schedule "D", attached herewith and marked as Appendix "F", from "Medium Density Apartments" to "Single and Double" Residential;
- (e) That the approved Kirkendall South Neighbourhood Plan be amended by redesignating the lands at the south-east corner of Aberdeen Avenue and Spruceside Avenue, as shown as Block "1" on Schedule "E", attached herewith and marked as Appendix "G", from "Single and Double" residential to "Park and Recreational";
- (f) That the approved Kentley Neighbourhood Plan be amended by adding a cul-de-sac to Pottruff Road North to the north of 362 Pottruff Road North, as shown on Schedule "F", attached herewith and marked as Appendix "H";
- (g) That the approved Rolston Neighbourhood Plan be amended by adding the note pertaining to no access to West Fifth Street when the Red Hill Creek Expressway overpass is constructed, as shown on Schedule "G", attached herewith and marked as Appendix "I", for the lands on the west side of West Fifth Street, north of the Red Hill Creek Expressway; and,

- (h) That the approved Yeoville Neighbourhood Plan be amended by adding the note pertaining to no access to West Fifth Street when the Red Hill Creek Expressway overpass is constructed, as shown on Schedule "H", attached herewith and marked as Appendix "J", for the lands on the east side of West Fifth Street, north of the Red Hill Creek Expressway.

NOTE: The purpose for the amendments to the Neighbourhood Plans is to recognize current land use which will remain for the indeterminate future and to redesignate properties which are no longer suitable for its designated use.

These amendments have been identified through administration of Neighbourhood Plans, and are part of the housekeeping process.

10. DIRECTOR OF LOCAL PLANNING - Site Plan Control Application DA-90-76, 414208 Ontario Limited (Calabria Supermarkets), owners of land at Nos. 106 and 108 Canada Street, Kirkendall North Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 November 28, respecting the above-noted matter and approved the following:

That approval be given to Site Plan Control Application DA-90-76 by 414208 Ontario Limited c.o.b. as "Calabria Supermarket", owners of lands known as 106 and 108 Canada Street for a parking lot development subject to the following:

- (a) Modification to the plan in relation to notes and dimensions as marked in red on the plan;
- (b) Submission of a landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department; and,
- (c) That a boulevard leasing agreement be entered into, in accordance with the comments made by the Traffic Department in the report of the Commissioner of Planning and Development dated 1990 November 28.

ZONING APPLICATIONS

11. Zoning Application 90-72, Future Homes Construction Limited, owner, for a change in zoning from "B" to "G-3" for property at 22 Kennedy Avenue, Kennedy East Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 November 26, respecting the above-noted matter.

Report of the circularization was given as follows:

78 notices sent 4 in favour 10 opposed

The Committee was in receipt of the following submissions:

- (a) Petition of Objection - Kennedy Avenue Residents.
- (b) Objection - Verna Spencer, 38 Kennedy Avenue.

Mr. Restivo, representative for the owner, spoke to the Committee. He said their intent is to close off the parking lot at the Kennedy Avenue boundary in order to prevent any overflow into the Neighbourhood.

Mr. Denis Pierroz, 33 Kennedy Avenue, spoke about his concerns that the parking lots effect would have on the value of their homes. He added that he does not feel that the progress of business should impact on established residential neighbourhoods and that if it were approved, it would be precedence setting. He also added that he feels no parking lot can effectively be totally closed off and that someone will get hurt.

Margaret LeBlanc, 37 Kennedy Avenue spoke to the Committee and indicated that there are 2 Coffee Shops in the area now and that no further store is needed.

Mr. Restivo then responded to the concerns of the residents and added that there are 14 spots available at the site now, and that more is needed since the establishment will be a Tim Horton's Donut store with offices on top.

The Committee then discussed this matter and approved the following **DENIAL** recommendation:

That Zoning Application 90-72, Future Homes Construction (Felice Bozzo), owner, requesting an Official Plan Amendment to redesignate the subject lands from "Residential" to "Commercial" and to include the lands in Special Policy Area 31, and a rezoning from "B" (Suburban Agriculture and Residential, etc.) District to "G-3" (Public Parking Lots) District, to permit a parking lot in conjunction with adjoining commercial lands at 21 Rymal Road West, for property located at 22 Kennedy Avenue, as shown on the attached map marked as Appendix "K", be **DENIED** for the following reasons:

- (a) It conflicts with the intent of the Official Plan and the approved Kennedy East Neighbourhood Plan which designate the lands as "Residential" and "Single and Double Residential", respectively;
- (b) The proposal would be incompatible with adjoining residential properties to the west and south and would be an intrusion of a commercial use into a residential neighbourhood. In this regard, approval of the application would encourage other similar applications which, if approved, would undermine the residential character of the area and the intent of the approved Kennedy East Neighbourhood Plan; and,
- (c) Development of the lands should more appropriately be in conjunction with the adjoining commercially designated land on Rymal Road West.

12. **Zoning Application 90-78, F. and G. Seymour, owners, for a modification to the "E" District regulations for property at 70 West Avenue South; Stinson Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 November 27, respecting the above-noted matter.

The staff recommendation recommends **DENIAL** of the application for the following reasons:

- (a) One of the prime goals of the Residential Care Facilities By-law is to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation. For this reason the Residential Care Facilities By-law sets specific capacity limits for each zoning district to protect the residential nature of such facilities. The proposal represents a significant departure from this philosophy in that the capacity of the two combined facilities will be seventy-five percent more than what is currently permitted (35 residents versus 20); and,
- (b) The Residential care Facilities By-law requires a minimum radial separation distance of 180m between facilities to preserve the residential character of neighbourhoods. The Building Department has advised that the subject lands are located within 180m of seven other care facilities. There are also a number of other care facilities in this neighbourhood. Approval of this application would encourage other similar applications which, if approved, would further contribute to the existing over-concentration of facilities in Stinson Neighbourhood, and, undermine the intent of the By-law.

Over concentration of such uses in one area has the effect of creating an institutional setting, and would change the character of the surrounding neighbourhood.

Report of the circularization was given as follows:

332 notices sent 11 in favour 1 opposed

Mr. and Mrs. Seymour, owners of the property were in attendance and spoke to the Committee with the hope that they will look favourably at the community need for this type of residential care facility. Mrs. Seymour distributed submissions in support of their application as well as a site plan for the property.

Mr. Joseph Sareski, owner of property at 72 West Avenue South, spoke to the Committee and agreed with the Planning Department's recommendation for denial since the area is over saturated with residential care facilities now. He added that he feels the proposal is too intense and that the application has been turned twice in the past.

Marion Hammel, spoke in support of Mr. and Mrs. Seymour, the applicants. She indicated that her brother has been looked after by the Seymours for a number of years and the care has been excellent.

Mr. Cameron Youngson, 92 West Avenue South, indicated that he is a 7 year resident in the area and is opposed to the application. He feels the proposal is too dense. He indicated that the area has been enhanced recently with park development, etc. and that approval of the Seymour's application would detrimentally effect the neighbourhood.

Mrs. Seymour, the applicant, responded and encouraged the Committee to look favourably upon their application and indicated that she feels that the disabled should be incorporated into the community.

Alderman McCulloch, the Ward Alderman, presented the Committee with correspondence he had received from Mr. and Mrs. Seymour providing a map outlining the number of residents in the area who support their application as well as a petition of support from the neighbourhood residents.

The Committee then discussed this matter at some length and agreed to approve the application, conditional that the 6 parking spaces to be added at the property at 60 West Avenue South as per the 1989 approval, be approved in a site plan.

The Committee then **APPROVED** the following:

- (a) That approval be given to Zoning Application 90-78, Gwynette and Frederick Seymour, owners, requesting a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to permit a fifteen bed residential care facility for senior citizens to be operated jointly with the adjoining twenty bed residential care facility at 60 West Avenue South, for property located at 70 West Avenue South, as shown on the attached map marked as Appendix "L", on the following basis:
 - (i) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
 - (1.) That notwithstanding Section 11.(7) of By-law No. 6593, a residential care facility for the accommodation of not more than 15 elderly residents of at least 60 years of age shall be permitted;

- (2.) That notwithstanding Section 18A.(1) of By-law No. 6593, not less than four parking spaces shall be provided and maintained on the land on which the residential care facility is situated;
 - (3.) That notwithstanding Section 18A.(9) of By-law No. 6593, the manoeuvring area for the required four parking spaces may be located off-site;
 - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1212, and the subject lands on Zoning District Map E-14 be notated S-1212;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-14 for presentation to City Council; and,
 - (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending By-law not be forwarded for passage by City Council until such time as the applicants have applied for and received approval of site plans regarding parking for 60 and 70 West Avenue South.

NOTE: The purpose of the By-law is to provide for a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for property located at 70 West Avenue South.

The effect of the By-law is to permit the use of the subject lands as a residential care facility for not more than fifteen elderly residents of at least 60 years of age. In addition, the By-law provides the following variances as special requirements:

- (a) Four parking spaces whereas five are required; and,
- (b) The manoeuvring for the required parking may be provided off-site whereas it is required to be on-site.

13. **Zoning Application 90-48, G. L. and D. M. Brewster, owners, for a modification to the "D" District regulations for property at 218-220 Maplewood Avenue: Blakeley Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 November 27, respecting the above-noted Zoning Application.

Report of the circularization was given as follows:

476 notices sent 21 in favour 43 opposed

The Committee was in receipt of the following submissions:

- (a) Mr. & Mrs. Marshall, 210 Maplewood Avenue - opposition.
- (b) Mr. & Mrs. Barrett, 219 Maplewood Avenue - opposition.
- (c) Richard Blair, 194 Maplewood Avenue - opposition.
- (d) Mr. & Mrs. A. Biro, 200 Maplewood Avenue - opposition.
- (e) Petition - opposition.
- (f) Mr. & Mrs. Wilson, 216 Maplewood Avenue - opposition.
- (g) D. J. Ekebrecht, 203 Maplewood Avenue - opposition.

- (h) K. M. Speakman, 212 Maplewood Avenue - opposition.
- (i) Douglas Brown, 206 Maplewood Avenue - opposition.
- (j) L. Brown, 206 Maplewood Avenue - opposition.

Lionel Brewster, co-owner of the property, was in attendance along with his Solicitor Mr. Larry Matthews. Mr. Matthews outlined the errors that had occurred to lead to Mr. Brewster believing that the building was legal. He indicated that the area is not a one or two dwelling family area and mentioned surrounding apartments and numerous multi-dwelling units. He also added that there is sufficient parking on the property for 4 dwelling units.

Lois Brown, 206 Maplewood Avenue, spoke to the Committee in opposition to the application. She indicated that in 1987 a fourth unit had been created illegally in the building.

Mr. Paul Bachance, an area resident, indicated that the Purchase of Sale Agreement clearly specifies the type of dwelling use of the building. He added that he is opposed to the application since the area is densely populated already and that the property has an effect on the local parking. He also added that the street is a snow route and evacuation of vehicles is required from time to time. He further added that other people in the area are trying to maintain single family homes.

Peter Urenko, Cameron Avenue South, spoke and indicated that he is not from the area but is a concerned citizen at this type of occurrence where illegal multiple dwellings are made legal.

Carol Barrett, 219 Maplewood Avenue, spoke and indicated that she is a long time resident of the neighbourhood. She added that since Mr. Brewster took over the building on Maplewood that the property has started to deteriorate. She also added that stacked parking which is illegal is occurring as well as car work being done on the property.

Mr. Jack Wilson, 216 Maplewood Avenue, also indicated that he is a long term resident of the area. He added that the Building Department had been denied access to determine its use and that the parking at the back is not used but the side drive is used for car repairs. He added that Maplewood Avenue contains many long term residents, approximately 50 - 60 years, and that the area is very nice now and that absentee landlords are gradually deteriorating the area.

Mrs. Caseman, 216 Maplewood Avenue, spoke in opposition to the application and mentioned parking scarcity.

Mr. Matthews, Solicitor for Mr. and Mrs. Brewster, the owners of the property responded to the concerns of the residents. He added that the behaviour of the tenants is a separate issue from the use of the building. He added that the Purchase of Sale Agreement said "multi-unit" and did not specify the exact number. He also added that parking not being used in the back can be addressed by Mr. Brewster with his tenants as well as stopping the car repairs by tenants. Mr. Mathews also added that the Brewsters are not the ones who illegally converted the building and confirmed that the Brewsters do not live at the property.

The Committee then discussed this matter at some length and **APPROVED** the following **DENIAL** recommendation:

That Zoning Application 90-48, Glenville Lionel Brewster and Dorothy Merlene Brewster, owners, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations to legalize the established four-family dwelling located at 218 - 220 Maplewood Avenue, as shown on the attached map marked as Appendix "M", be DENIED for the following reasons:

- (a) It conflicts with the intent of the Official Plan, in that it would allow for an indiscriminate mix of housing types by introducing a four-family dwelling into an area which is predominately occupied by single-family and two-family dwellings.
- (b) Approval of the application would encourage other similar applications, which if approved, would undermine the intent of the Zoning By-law and change the character of the area.

14. Request for an Official Plan Amendment - Beddoe Drive, Chedoke Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 November 29, respecting the above-noted matter recommending that the application be approved, subject to the following:

- (a) That Schedule "A" to the Official Plan for the City of Hamilton be amended by redesignating the subject lands from "Industrial" to "Residential";
- (b) That Schedule "B" to the Official Plan for the City of Hamilton be amended by adding a new "Special Policy Area";
- (c) That Policy A.2.9.3 be amended by adding a new policy which will have the following effects:
 - (i) To require Site Plan Control for the lands;
 - (ii) To provide adequate buffering and screening; and,
 - (iii) To require the proponent to comply with Ministry of Environment regulations for noise abatement measures.
- (d) That the by-law of adoption for the Official Plan Amendment not be passed by City Council until:
 - (i) The applicant applies for and receives approval of a site plan including noise attenuation measures as identified by the Ministry of the Environment;
 - (ii) The applicant post a performance bond for required noise attenuation measures at the time of site plan approval; and,
 - (iii) An approved site plan is registered on the title of the land.
- (e) That the City Solicitor be directed to prepare by-law of adoption once the conditions are fulfilled.
- (f) That the City Clerk be directed to forward City Council's decision to the Niagara Escarpment Commission.

Mr. John Welton, President, United Lands Corporation, spoke to the Committee and advised that he has been in the business for 30 years and that to-date they have not done work in Hamilton but are hopeful that their application will be approved in order to develop the Lapp lands. Mr. Welton outlined one of their recently completed projects near the Ford Plant and then spoke of the potential of the Lapp lands for residential development. Mr. Welton distributed a summary of a study that they had done respecting the potential of developing the former Lapp site. Ms. Carolyn Woodland, Landscape Architect and Mr. John Coulter, Sound Consultant also spoke to the Committee with respect to the proposed landscape for the site and the noise buffering aspects of the development.

The Committee was in receipt of the following submissions:

- (a) Elsa Elwell, 140 Flatt Avenue - opposition.
- (b) Patricia and Al Sharp, 13 Chedoke Avenue - opposition.
- (c) Ms. M. Elinor Athawes, 36 Hyde Park Avenue, Mrs. Clark, 88 Flatt Avenue, Mrs. Pech, 84 Flatt Avenue - opposition.
- (d) Paul Smithson, 35 Flatt Avenue - opposition.
- (f) Doug Kelterborn, Manager, Property & Insurance, The Board of Education for the City of Hamilton - comments.
- (g) A. G. Lewis, Environmental Officer, Ministry of the Environment - comments.
- (h) Ian Hambleton, 42 Chedoke Avenue - opposition.

Mr. Norm Levitt, 186 Chedoke Avenue, spoke to the Committee and advised that he is a 36 year resident of the neighbourhood. He also gave a bit of the history to the area and the type of activities that have existed. He indicated that nearby schools are filled to capacity now and would probably require additional schools to be built if the application were approved. He also sited the difficulty with traffic in turning onto Chedoke at peak rush hour times. Mr. Levitt also indicated that golfers at Chedoke should be immune from the noise and that there would be fears that children would be hurt playing on the railway yards. He also expressed concerns that parkland around the City is gradually being eroded and that the City should reverse this trend and put parkland on this site.

Darcy Luxton, 88 Chedoke Avenue, spoke to the Committee and feels that any procedure on this site requires a considerable amount of discussion to ensure the acceptance by all involved and asked that the matter be postponed for further discussion.

Mr. Bill Thompson of Richard Allen, M. P. P.'s office, spoke on Mr. Allen's behalf and gave a historical view on the attempt to maintain the industry at the site. He urged that this matter not be proceeded with at this time for a more thorough view of the site's potential.

Mr. Bob Pelland, Manager with C.P. Rail and Mr. Ted Takarchuk of C.P. Rail spoke in strong opposition to the application as their rail yards are zoned Heavy Industrial and are in no way compatible with Residential use. He anticipates that there is no plan to leave the Aberdeen site and that the area could be used to store Go Trains if Go comes to Hamilton. He also added that the Rail has the right to use the Rail in any way they wish within their jurisdiction and is concerned that the rails move dangerous commodities detrimental to residential areas. He also suggested that if the application were approved that the new residents be required to sign a waiver that they will not complain about the affects of rail activities.

Mr. Takarchuk of C.P. Rail also outlined the activities in the yard and the noise connected with those activities.

Mr. Ian Giles, President of Chedoke Golf Course Club, spoke in strong opposition to the application. He added that the green space of the golf club is not a park but is a playing field that costs millions of dollars to develop and a great deal of money to maintain. He added that if people are walking onto the golf course, they will damage it and could also be hit by golf balls. He indicated that players should not be put in this responsible position. He also expressed concerns that children playing on the golf course could vandalize the course and also indicated the strong traffic on Chedoke Road. Mr. Giles also expressed concern at the infra structure of the golf course and at the concern he would have that if the golf course were dug up in any fashion to develop the Lapp site, that it would never be returned to the state that it is in now. He also indicated that children would cut across the golf course to get to school.

Mrs. Forrester, 25 Chedoke Avenue indicated that she is a 10 year resident of the area and has raised 5 children there and has enjoyed the parkland setting of the area. She also expressed her pleasure at the Bruce Trail as an asset to the area and feels that Hamilton should maintain this neighbourhood as it now stands.

Judith Bishop, 131 Barclay, spoke as a School Trustee of the area and outlined the enrolment rates at the nearby schools. She indicated that boundaries would have to be changed and is concerned at the impact to area children with respect to schooling.

The owner of property at 25 Main Side Avenue and President of the Earl Kitchener Home and School Association spoke and indicated that children will be accommodated at Earl Kitchener to the detriment of the current schools and asked for postponement of any decision.

Mr. John Nolan, 100 Chedoke Avenue, asked that the persons who are in attendance be notified of any future meetings. He indicated that neighbours want to review the matter further and do not approve it as it now stands. He indicated that no neighbourhood plan has occurred on this site and thus an official plan has not been drafted. He indicated that there have been a great number of events that have happened in the area recently, i.e. Westinghouse moving, Golf Course building and maintenance shed, etc. He strongly urged a delay in any decision making in order that a review of all aspects on the project's impact to the area could be determined.

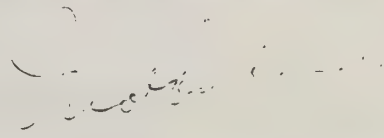
The applicants then responded to the comments made by the residents and indicated that apartments are 4 storey buildings with pitched roofs, not like institutional types of buildings but residential building appearances. They also indicated that traffic can be resolved and lights installed as required. They also indicated that density is not an issue of concern to the planning staff when they reviewed their application and concurred that there would be no difficulty in including a warning clause in Purchase of Sale Agreements with respect to the rail concerns.

The Committee then discussed this matter at considerable length and agreed:

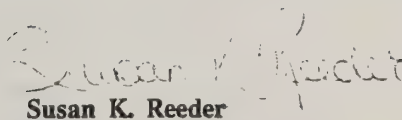
- (a) That this application **BE TABLED** and referred back to staff in order that public meetings can be held with the developer, the Ward Aldermen, the Neighbourhood, representatives of staff and the School Board to re-examine the land use for this area; and,
- (b) That those persons in attendance be advised of these meetings.

There being no future business, the meeting then adjourned.

Taken as read and approved,



**ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**



**Susan K. Reeder
Secretary
1990 December 5**

**PLANNING AND DEVELOPMENT COMMITTEE
1991 JANUARY 23RD**

C O N S E N T A G E N D A

ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE:

- A. Minutes of the meeting of the Planning and Development Committee held on Wednesday, 1990 December 5th.

DIRECTOR OF PUBLIC WORKS

- B. Appointment of Citizen's Advisory Committee - Central/Beasley P.R.I.D.E. Programme.
- C. Designation of a Community Improvement Project Area - Central/Beasley Neighbourhood.
- D. Main Street West B.I.A. Proposed Budget and Schedule of Payments for 1991.
- E. Downtown Promenade B.I.A. Proposed Budget and Schedule of Payments for 1991.
- F. Concession Street B.I.A. Proposed Budget and Schedule of Payments for 1991.
- G. Ottawa Street B.I.A. Proposed Budget and Schedule of Payments for 1991.
- H. Westdale Village B.I.A. Proposed Budget and Schedule of Payments for 1991.
- I. Barton General B.I.A. Proposed Budget and Schedule of Payments for 1991.
- J. International Village B.I.A. Proposed Budget and Schedule of Payments for 1991.

BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS

- K. 84-1/2 Aikman Avenue.
- L. 86-1/2 Aikman Avenue.
- M. 22 Wellington Street North.
- N. 1879 King Street East.
- O. 671 Upper Paradise Road.
- P. 1477 Upper James Street.

**BUILDING COMMISSIONER - CITY OF HAMILTON HERITAGE
PROGRAMME APPLICATIONS**

- Q. 219 Ferguson Avenue South.
- R. 223 Ferguson Avenue South.
- S. 225 Ferguson Avenue South.
- T. 227 Ferguson Avenue South.

CITY SOLICITOR

- U. 172 Beach Road - Repeal of By-law No. 89-243.
- V. Part-Lot Control - Part of Holland Avenue and Parcel B, Registered Plan 909.

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

- W. Revised Membership.

A.

Wednesday, 1990 December 5
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairman
Alderman D. Drury, Vice-Chairman
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Wilson
Alderman D. Ross
Alderman V. Formosi
Alderman H. Merling

Regrets: Mayor Robert M. Morrow - Civic Business

Also present: Alderman B. Hinkley
Alderman D. Agostino
Alderman T. Cooke
Mr. Kelterborn, Board of Education
Mr. L. Sage, Chief Administrative Officer
Mr. E. Matthews, City Treasurer
Mr. A. Georgieff, Director of Local Planning
Mr. J. Thoms, Commissioner of Planning and Development
Mr. P. Mallard, Planning Department
Mr. J. Lakatos, Planning Department
Mr. K. Brenner, Regional Engineering Department
Mr. J. Robinson, Building Department
Mr. D. Godley, Planning Department
Mrs. N. Chapple, Planning Department
Mr. B. Allick, Building Department
Mr. G. Aston, Regional Engineering Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. M. Mascarenhas, General Manager, Municipal Non-Profit
(Hamilton) Housing Corporation
Mr. J. Schatz, Secretary, Management Team
Mr. R. Hammel, Treasury Department
Ms. J. McNeilly, Public Works Department
Mr. N. Adhya, Treasury Department
Mr. D. Carson, Mayor's Office
Mrs. J. Hickey-Evans, Planning Department
Mr. B. Janssen, Planning Department
Mrs. Susan K. Reeder, Secretary

1. CONSENT AGENDA.

ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT
COMMITTEE:

- A. The Committee approved the minutes of their last meeting held on Wednesday, 1990 November 21 as circulated.

B.- BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS
F.

The Committee was in receipt of reports from the Building Commissioner, respecting Demolition Permit Applications and approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 186 Queen Street North
- (b) 188 Queen Street North
- (c) 45 Beechwood Avenue
- (d) 270 Dundonald Avenue
- (e) 1530 Upper James Street

G. COMMERCIAL FACADE LOAN PROGRAMME - Increase for 207 and 209 King Street East.

The Committee was in receipt of a report from the Building Commissioner dated 1990 November 15, respecting the above-noted matter and approved the following:

That an increase under the Commercial Facade Loan Programme, in the amount of two thousand, seven hundred and fifty-four dollars (\$2,754.) be approved for 207-209 King Street East, Mr. U. Kim for a new loan amount of forty-five thousand dollars (\$45,000.). The interest rate will be 7-3/8 percent, amortized over 10 years.

H. COMMERCIAL FACADE LOAN PROGRAMME - 640 Concession Street.

The Committee was in receipt of a report from the Building Commissioner dated 1990 November 28, respecting the above-noted matter and approved the following:

That a Commercial Facade Loan, in the amount of fifteen thousand dollars (\$15,000.) be approved for 640 Concession Street, Dr. William Cowan. The interest rate will be 6-5/8 percent, amortized over 10 years.

I. CITY OF HAMILTON HERITAGE PROGRAMME - 900 Woodward Avenue (The Hamilton Museum of Steam and Technology).

The Committee was in receipt of a report from the Building Commissioner dated 1990 November 27, respecting the above-noted matter and approved the following:

That a Designated Property Grant in the amount of three thousand dollars (\$3,000.) be provided to The Hamilton Museum of Steam & Technology, 900 Woodward Avenue, Hamilton.

J. CITY OF HAMILTON HERITAGE PROGRAMME - 64 Forest Avenue (Church of the Ascension).

The Committee was in receipt of a report from the Building Commissioner dated 1990 November 27, respecting the above-noted matter and approved the following:

That a Designated Property Grant in the amount of three thousand dollars (\$3,000.) be provided to the Church of the Ascension, 64 Forest Avenue, Hamilton.

K. CITY OF HAMILTON HERITAGE PROGRAMME - 41 Jackson Street West (Whitehern).

The Committee was in receipt of a report from the Building Commissioner dated 1990 November 27, respecting the above-noted matter and approved the following:

That a Designated Property Grant in the amount of three thousand dollars (\$3,000.) be provided to Whitehern, 41 Jackson Street West, Hamilton.

ADDED - CITY OF HAMILTON HERITAGE PROGRAMME - 260 MacNab Street North.

The Committee was in receipt of a report from the Building Commissioner dated 1990 December 4, respecting the above-noted matter and approved the following:

That a repayable loan under the Community Heritage Trust Fund in the amount of one thousand, one hundred and twenty-five dollars (\$1,125.) be approved for Jane & Paul Rigby, 260 MacNab Street North, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of one thousand, one hundred and twenty-five dollars (\$1,125.) be provided to Jane & Paul Rigby, 260 MacNab Street North, Hamilton.

L. CITY SOLICITOR - Amendment to By-law No. 90-232 - Regulation of Gun Shops.

The Committee was in receipt of a report from the City Solicitor dated 1990 November 16, respecting the above-noted matter and approved the following:

That the City Solicitor be authorized and directed to amend By-law No. 90-232 respecting the regulation of gun shops, to make certain housekeeping changes giving effect to City Council's original intent.

M. ACTING COMMISSIONER OF ENGINEERING - Cash payment in lieu of parkland - Effort Gardens and Effort Gardens Extension.

The Committee was in receipt of a report from the Acting Commissioner of Engineering dated 1990 November 27, respecting the above-noted matter and approved the following:

- (a) That the City of Hamilton accept the sum of \$98,475. as cash payment in lieu of the 5% parkland dedication, in connection with Effort Gardens, Hamilton.
- (b) That the City of Hamilton accept the sum of \$16,815. as cash payment in lieu of the 5% parkland dedication, in connection with Effort Gardens Extension, Hamilton.

NOTE: The above figures represent the cash requirement under Section 50 of the Planning Act.

These lands are located north of Stone Church Road and east of Upper James Street, in the Jerome Neighbourhood, Hamilton.

REGULAR AGENDA**2. BUILDING COMMISSIONER - Demolition Permit Application - 105 Aberdeen Avenue.**

The Committee was in receipt of a report from the Building Commissioner dated 1990 November 26, respecting the above-noted matter and approved the following:

That the application for demolition of 105 Aberdeen Avenue be referred to the Local Architectural Conservation Advisory Committee (L.A.C.A.C.) for consultation.

3. CITY SOLICITOR - GGS Hotel Holdings Canada Inc. and the Sheraton Hamilton Hotel Assignment of Mortgage from Century Leasing System, Inc. to Chigin-Seiho Housing Loan Co. Ltd.

The Committee was in receipt of a report from the City Solicitor dated 1990 November 28, respecting the above-noted matter and approved the following:

By Ground Lease dated 1983 May 3, The Corporation of the City of Hamilton leased the Sheraton Hotel site to Lakeview Development Ltd. With Council's approval as landlord, Lakeview Development Ltd. assigned this Lease in 1989 April, to a new Lessee, namely GGS Hotel Holdings Canada Inc. On 1990 July 31, the City, as Landlord approved a Ground Lease mortgage being made by GGS Hotel Holdings Canada Inc. (as borrower) - in favour of Century Leasing System, Inc. (Mortgage lender) in the amount of \$23,950,000. at 20% per annum.

It is recommended that:

- (a) GGS Hotel Holdings Canada Inc.'s request to the City as Landlord for approval to change the Mortgage lender from Century Leasing System, Inc. to Chigin-Seiho Housing Loan Co., Ltd. be approved.

This approval is subject to the condition that the City receives from GGS Hotel Holdings Canada, Inc. and Chigin-Seiho Housing Loan Co., Ltd., an Agreement (titled Section 16.01 Agreement) under which this new lender covenants to comply with the Ground Lease if it ever takes over the Hotel. The Mayor and City Clerk are hereby authorized to execute this Agreement. This Agreement shall be registered on title to the Hotel by GGS Hotel Holdings Canada Inc. as required by the Ground Lease and the Hotel Interface Agreement dated 1984 July 30 (sec. 13(g)).

- (b) A Mortgage Amending Agreement be approved by the City as Landlord between GGS Hotel Holdings Canada Inc. and Chigin-Seiho Housing Loan Co., Ltd. (titled Mortgage Amending Agreement) to clarify the repayment terms of the mortgage and the method of calculating interest under the Mortgage. The other terms, namely the size of the loan, \$23,950,000. and the interest rate (20%) to remain the same;
- (c) An Estoppel Certificate be issued by the City as Landlord to the new Mortgagee Chigin-Seiho Housing Loan Co., Ltd. under which the City confirms to the lender that the Ground Lease is in good standing (This Certificate confirms among other matters, that there are no rent, realty or business taxes outstanding);
- (d) That a Certificate be issued by the City in which the City confirms to the new lender that GGS Hotel Holdings Canada Inc. is in compliance with its obligations to the City in the Interface Agreement, the Pedestrian Bridge Agreement, the Truck Tunnel Agreement and the Canopy Encroachment Agreement.

NOTE: The documents being approved, namely the 16.01 Agreement, the Mortgage Amending Agreement, the Estoppel Certificate and the Certificate are attached herewith and marked as Appendix "A".

Under the Ground Lease (sec. 16.01) dated 1983 May 3, assumed by GGS Hotel Holdings Canada Inc. in 1989, GGS Hotel Holdings Canada Inc.'s mortgagee and a change in the Mortgagee is subject to this approval of the City as Landlord. This change of lenders does not affect the City's rights as Landlord nor does the mortgage between GGS Hotel Holdings Canada Inc. and its lender oblige the City at any time to advance or to repay any loan.

4. MANAGEMENT TEAM - Report on the 1991-1995 Capital Budget.

The Committee was in receipt of a report from the Secretary of the Management Team dated 1990 December 3, respecting the above-noted matter.

The City Treasurer spoke to the Committee with respect to this report and the Committee made the following amendments:

- (a) To delete the word "endorsed" from line 2 of the recommendation; and,
- (b) To remove Project No. 173.5 - Planning - Enclaves Clearance - Phase II, from the listing of 1991-1995 Provisional Capital Budget Programme.

It was agreed that the Commissioner of Planning and Development will bring a report to the Planning and Development Committee in 1991 for inclusion of the Enclaves Clearance - Phase II Programme in the 1996 Capital Budget.

5. DIRECTOR OF LOCAL PLANNING - City Initiative 83-B - Review of Application Fees.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 November 26, respecting the above-noted matter.

The Commissioner recommended the following:

That approval be given to City Initiative 83-B, respecting the review of fees for applications to the Planning and Development Department on the following basis:

- (a) That, for 1991, the application fees remain at the current levels; and,
- (b) That the Planning and Development Department be directed to undertake a detail review of application fees for 1992 and 1993.

The Committee discussed this matter at some length and agreed to approve an increase based on the rate of inflation and approved the following recommendation:

That the application fees for Official Plan Amendments, Rezoning Applications, Official Plan Amendment and Rezoning Applications, Site Plan Control Applications and amended Site Plan Control Applications be increased annually at the rate of inflation.

NOTE: The current fees for the above-noted services are as follows:

(a)	Official Plan Amendment	\$ 750.00
(b)	Rezoning Application	\$ 750.00
(c)	Official Plan Amendment and Rezoning	\$1,500.00
(d)	Site Plan Control	\$ 350.00
(e)	Amended Site Plan	\$ 150.00

6. DIRECTOR OF LOCAL PLANNING - Subdivision Application 25T-85035, Elia Heights (formerly Eleanor Heights) revision to Draft Approved Plan of Subdivision, Eleanor Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 November 13, respecting the above-noted matter and approved the following:

- (a) That approval be given to amend a previously draft approved plan of subdivision which was recommended for approval by City Council on 1986 March 25, for "Eleanor Estates", owned by N. Elia, Hamilton, Ontario, under Regional File No. 25T-85035, by deleting all previous conditions and replacing same with the following conditions:
 - (i) That this approval apply to the plan prepared by A. J. Clarke, dated 1990 November 1, showing 17 lots, one Block (Block "18") for road widening and one block (Block "19") as part of a road.
 - (ii) That the road allowance and the widening for Stone Church Road East be dedicated as a public highway on the final plan.
 - (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iv) That the proposed subdivision conform with the Zoning By-law approved under The Planning Act.
 - (v) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot in the final plan.

- (viii) That sufficient lands be dedicated to the Region to establish the property line 15.24m (50 ft.) from the centreline of the original Stone Church Road road allowance, and that the road widening be dedicated on the final plan.
- (ix) That the future Eaglewood Drive align with the future Eaglewood Drive, to be established to the east of this proposed development as indicated on the approved Eleanor Neighbourhood Plan.
- (x) That sufficient lands be dedicated to establish Eaglewood Drive road allowance to its full width of 20.0m west of Eleanor.
- (xi) That sufficient lands be dedicated to the City at this time to create a 15m radius cul-de-sac approximately 32m south of Stone Church Road.
- (xii) That the owner agrees, in writing, to satisfy all requirements, financial and otherwise, of the City of Hamilton.
- (xiii) That the owner satisfy the requirements of the Ministry of the Environment in regard to possible excessive noise.
- (b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-85035), Nick Elia, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

NOTE: The lands, comprised of .929 ha., are located on the south side of Stone Church Road East and on the west side of Eleanor Avenue in the Eleanor Neighbourhood, being part of Lot 8, Concession 8, formerly in the Township of Barton, now in the City of Hamilton.

7. DIRECTOR OF LOCAL PLANNING - Proposed renaming of Ridge Street to Jeremy Street, Jerome Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 November 20, respecting the above-noted matter and approved the following:

- (a) That approval be given to proceed with the required publication of a proposed by-law to rename Ridge Street to Jeremy Street.
- (b) That approval be given to hold a public meeting to consider the passing of a by-law to change the name of Ridge Street to Jeremy Street.

NOTE: Ridge Street was established by Registered Plan No. 1055 in the Jerome Neighbourhood and is also existing in the Greeningdon Neighbourhood north of Limeridge Road East. To avoid duplication of a road name, that section of Ridge Street located in the Jerome Neighbourhood should be renamed.

Ridge Street in the Jerome Neighbourhood is located north and south of Chipman Avenue east of James Street.

8. DIRECTOR OF LOCAL PLANNING - C.A.P.I.C. - Terms of Reference.

The Committee was in receipt of a report from the Chairperson of the Central Area Plan Implementation Committee (C.A.P.I.C.) dated 1990 November 28, respecting the above-noted matter and approved the following:

That the Terms of Reference of the Central Area Plan Implementation Committee, attached herewith and marked as Appendix "B", be approved.

9. DIRECTOR OF LOCAL PLANNING - Neighbourhood Plan Amendments - Housekeeping.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 November 20, respecting the above-noted matter and approved the following:

That approval be given to the following Neighbourhood Plan amendments:

- (a) That the approved Vincent Neighbourhood Plan be amended by redesignating the lands at 245 Quigley Road, as shown as Block "1" on Schedule "A", attached herewith and marked as Appendix "C", from "Low Density Apartments" to "Attached Housing";
- (b) That the approved Broughton East Neighbourhood Plan be amended by redesignating the lands on both sides of Derby Street, as shown as Block "1" and Block "2" on Schedule "B", attached herewith and marked as Appendix "D", from "Medium Density Apartments" to "Attached Housing";
- (c) That the approved Ainslie Wood West Neighbourhood Plan be amended by redesignating the lands at 1967 Main Street West, as shown as Block "1" on Schedule "C", attached herewith and marked as Appendix "E", from "Low Density Apartments" to "Attached Housing";
- (d) That the approved Templemead Neighbourhood Plan be amended as follows:
 - (i) By redesignating the lands at 1073, 1081, and 1085 Rymal Road East, as shown as Block "1" on Schedule "D", attached herewith and marked as Appendix "F", from "Medium Density Apartments" to "Attached Housing";
 - (ii) By redesignating the lands at 1067 Rymal Road East, as shown as Block "2" on Schedule "D", attached herewith and marked as Appendix "F", from "Medium Density Apartments" to "Attached Housing";
 - (iii) By redesignating the lands at 1097 Rymal Road East, as shown as Block "3" on Schedule "D", attached herewith and marked as Appendix "F", from "Medium Density Apartments" to "Single and Double" Residential;
- (e) That the approved Kirkendall South Neighbourhood Plan be amended by redesignating the lands at the south-east corner of Aberdeen Avenue and Spruceside Avenue, as shown as Block "1" on Schedule "E", attached herewith and marked as Appendix "G", from "Single and Double" residential to "Park and Recreational";
- (f) That the approved Kentley Neighbourhood Plan be amended by adding a cul-de-sac to Pottruff Road North to the north of 362 Pottruff Road North, as shown on Schedule "F", attached herewith and marked as Appendix "H";
- (g) That the approved Rolston Neighbourhood Plan be amended by adding the note pertaining to no access to West Fifth Street when the Red Hill Creek Expressway overpass is constructed, as shown on Schedule "G", attached herewith and marked as Appendix "I", for the lands on the west side of West Fifth Street, north of the Red Hill Creek Expressway; and,

- (h) That the approved Yeoville Neighbourhood Plan be amended by adding the note pertaining to no access to West Fifth Street when the Red Hill Creek Expressway overpass is constructed, as shown on Schedule "H", attached herewith and marked as Appendix "J", for the lands on the east side of West Fifth Street, north of the Red Hill Creek Expressway.

NOTE: The purpose for the amendments to the Neighbourhood Plans is to recognize current land use which will remain for the indeterminate future and to redesignate properties which are no longer suitable for its designated use.

These amendments have been identified through administration of Neighbourhood Plans, and are part of the housekeeping process.

10. DIRECTOR OF LOCAL PLANNING - Site Plan Control Application DA-90-76, 414208 Ontario Limited (Calabria Supermarkets), owners of land at Nos. 106 and 108 Canada Street, Kirkendall North Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 November 28, respecting the above-noted matter and approved the following:

That approval be given to Site Plan Control Application DA-90-76 by 414208 Ontario Limited c.o.b. as "Calabria Supermarket", owners of lands known as 106 and 108 Canada Street for a parking lot development subject to the following:

- (a) Modification to the plan in relation to notes and dimensions as marked in red on the plan;
- (b) Submission of a landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department; and,
- (c) That a boulevard leasing agreement be entered into, in accordance with the comments made by the Traffic Department in the report of the Commissioner of Planning and Development dated 1990 November 28.

ZONING APPLICATIONS

11. Zoning Application 90-72, Future Homes Construction Limited, owner, for a change in zoning from "B" to "G-3" for property at 22 Kennedy Avenue; Kennedy East Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 November 26, respecting the above-noted matter.

Report of the circularization was given as follows:

78 notices sent 4 in favour 10 opposed

The Committee was in receipt of the following submissions:

- (a) Petition of Objection - Kennedy Avenue Residents.
- (b) Objection - Verna Spencer, 38 Kennedy Avenue.

Mr. Restivo, representative for the owner, spoke to the Committee. He said their intent is to close off the parking lot at the Kennedy Avenue boundary in order to prevent any overflow into the Neighbourhood.

Mr. Denis Pierroz, 33 Kennedy Avenue, spoke about his concerns that the parking lots effect would have on the value of their homes. He added that he does not feel that the progress of business should impact on established residential neighbourhoods and that if it were approved, it would be precedence setting. He also added that he feels no parking lot can effectively be totally closed off and that someone will get hurt.

Margaret LeBlanc, 37 Kennedy Avenue spoke to the Committee and indicated that there are 2 Coffee Shops in the area now and that no further store is needed.

Mr. Restivo then responded to the concerns of the residents and added that there are 14 spots available at the site now, and that more is needed since the establishment will be a Tim Horton's Donut store with offices on top.

The Committee then discussed this matter and approved the following **DENIAL** recommendation:

That Zoning Application 90-72, Future Homes Construction (Felice Bozzo), owner, requesting an Official Plan Amendment to redesignate the subject lands from "Residential" to "Commercial" and to include the lands in Special Policy Area 31, and a rezoning from "B" (Suburban Agriculture and Residential, etc.) District to "G-3" (Public Parking Lots) District, to permit a parking lot in conjunction with adjoining commercial lands at 21 Rymal Road West, for property located at 22 Kennedy Avenue, as shown on the attached map marked as Appendix "K", be **DENIED** for the following reasons:

- (a) It conflicts with the intent of the Official Plan and the approved Kennedy East Neighbourhood Plan which designate the lands as "Residential" and "Single and Double Residential", respectively;
- (b) The proposal would be incompatible with adjoining residential properties to the west and south and would be an intrusion of a commercial use into a residential neighbourhood. In this regard, approval of the application would encourage other similar applications which, if approved, would undermine the residential character of the area and the intent of the approved Kennedy East Neighbourhood Plan; and,
- (c) Development of the lands should more appropriately be in conjunction with the adjoining commercially designated land on Rymal Road West.

12. Zoning Application 90-78, F. and G. Seymour, owners, for a modification to the "E" District regulations for property at 70 West Avenue South; Stinson Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 November 27, respecting the above-noted matter.

The staff recommendation recommends **DENIAL** of the application for the following reasons:

- (a) One of the prime goals of the Residential Care Facilities By-law is to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation. For this reason the Residential Care Facilities By-law sets specific capacity limits for each zoning district to protect the residential nature of such facilities. The proposal represents a significant departure from this philosophy in that the capacity of the two combined facilities will be seventy-five percent more than what is currently permitted (35 residents versus 20); and,
- (b) The Residential care Facilities By-law requires a minimum radial separation distance of 180m between facilities to preserve the residential character of neighbourhoods. The Building Department has advised that the subject lands are located within 180m of seven other care facilities. There are also a number of other care facilities in this neighbourhood. Approval of this application would encourage other similar applications which, if approved, would further contribute to the existing over-concentration of facilities in Stinson Neighbourhood, and, undermine the intent of the By-law.

Over concentration of such uses in one area has the effect of creating an institutional setting, and would change the character of the surrounding neighbourhood.

Report of the circularization was given as follows:

332 notices sent 11 in favour 1 opposed

Mr. and Mrs. Seymour, owners of the property were in attendance and spoke to the Committee with the hope that they will look favourably at the community need for this type of residential care facility. Mrs. Seymour distributed submissions in support of their application as well as a site plan for the property.

Mr. Joseph Sareski, owner of property at 72 West Avenue South, spoke to the Committee and agreed with the Planning Department's recommendation for denial since the area is over saturated with residential care facilities now. He added that he feels the proposal is too intense and that the application has been turned twice in the past.

Marion Hammel, spoke in support of Mr. and Mrs. Seymour, the applicants. She indicated that her brother has been looked after by the Seymours for a number of years and the care has been excellent.

Mr. Cameron Youngson, 92 West Avenue South, indicated that he is a 7 year resident in the area and is opposed to the application. He feels the proposal is too dense. He indicated that the area has been enhanced recently with park development, etc. and that approval of the Seymour's application would detrimentally effect the neighbourhood.

Mrs. Seymour, the applicant, responded and encouraged the Committee to look favourably upon their application and indicated that she feels that the disabled should be incorporated into the community.

Alderman McCulloch, the Ward Alderman, presented the Committee with correspondence he had received from Mr. and Mrs. Seymour providing a map outlining the number of residents in the area who support their application as well as a petition of support from the neighbourhood residents.

The Committee then discussed this matter at some length and agreed to approve the application, conditional that the 6 parking spaces to be added at the property at 60 West Avenue South as per the 1989 approval, be approved in a site plan.

The Committee then **APPROVED** the following:

- (a) That approval be given to Zoning Application 90-78, Gwynette and Frederick Seymour, owners, requesting a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to permit a fifteen bed residential care facility for senior citizens to be operated jointly with the adjoining twenty bed residential care facility at 60 West Avenue South, for property located at 70 West Avenue South, as shown on the attached map marked as Appendix "L", on the following basis:
 - (i) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
 - (1.) That notwithstanding Section 11.(7) of By-law No. 6593, a residential care facility for the accommodation of not more than 15 elderly residents of at least 60 years of age shall be permitted;

- (2.) That notwithstanding Section 18A.(1) of By-law No. 6593, not less than four parking spaces shall be provided and maintained on the land on which the residential care facility is situated;
- (3.) That notwithstanding Section 18A.(9) of By-law No. 6593, the manoeuvring area for the required four parking spaces may be located off-site;
- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1212, and the subject lands on Zoning District Map E-14 be notated S-1212;
- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-14 for presentation to City Council; and,
- (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending By-law not be forwarded for passage by City Council until such time as the applicants have applied for and received approval of site plans regarding parking for 60 and 70 West Avenue South.

NOTE: The purpose of the By-law is to provide for a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for property located at 70 West Avenue South.

The effect of the By-law is to permit the use of the subject lands as a residential care facility for not more than fifteen elderly residents of at least 60 years of age. In addition, the By-law provides the following variances as special requirements:

- (a) Four parking spaces whereas five are required; and,
- (b) The manoeuvring for the required parking may be provided off-site whereas it is required to be on-site.

13. Zoning Application 90-48, G. L. and D. M. Brewster, owners, for a modification to the "D" District regulations for property at 218-220 Maplewood Avenue; Blakeley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 November 27, respecting the above-noted Zoning Application.

Report of the circularization was given as follows:

476 notices sent 21 in favour 43 opposed

The Committee was in receipt of the following submissions:

- (a) Mr. & Mrs. Marshall, 210 Maplewood Avenue - opposition.
- (b) Mr. & Mrs. Barrett, 219 Maplewood Avenue - opposition.
- (c) Richard Blair, 194 Maplewood Avenue - opposition.
- (d) Mr. & Mrs. A. Biro, 200 Maplewood Avenue - opposition.
- (e) Petition - opposition.
- (f) Mr. & Mrs. Wilson, 216 Maplewood Avenue - opposition.
- (g) D. J. Eckebrecht, 203 Maplewood Avenue - opposition.

- (h) K. M. Speakman, 212 Maplewood Avenue - opposition.
- (i) Douglas Brown, 206 Maplewood Avenue - opposition.
- (j) L. Brown, 206 Maplewood Avenue - opposition.

Lionel Brewster, co-owner of the property, was in attendance along with his Solicitor Mr. Larry Matthews. Mr. Matthews outlined the errors that had occurred to lead to Mr. Brewster believing that the building was legal. He indicated that the area is not a one or two dwelling family area and mentioned surrounding apartments and numerous multi-dwelling units. He also added that there is sufficient parking on the property for 4 dwelling units.

Lois Brown, 206 Maplewood Avenue, spoke to the Committee in opposition to the application. She indicated that in 1987 a fourth unit had been created illegally in the building.

Mr. Paul Bachance, an area resident, indicated that the Purchase of Sale Agreement clearly specifies the type of dwelling use of the building. He added that he is opposed to the application since the area is densely populated already and that the property has an effect on the local parking. He also added that the street is a snow route and evacuation of vehicles is required from time to time. He further added that other people in the area are trying to maintain single family homes.

Peter Urenko, Cameron Avenue South, spoke and indicated that he is not from the area but is a concerned citizen at this type of occurrence where illegal multiple dwellings are made legal.

Carol Barrett, 219 Maplewood Avenue, spoke and indicated that she is a long time resident of the neighbourhood. She added that since Mr. Brewster took over the building on Maplewood that the property has started to deteriorate. She also added that stacked parking which is illegal is occurring as well as car work being done on the property.

Mr. Jack Wilson, 216 Maplewood Avenue, also indicated that he is a long term resident of the area. He added that the Building Department had been denied access to determine its use and that the parking at the back is not used but the side drive is used for car repairs. He added that Maplewood Avenue contains many long term residents, approximately 50 - 60 years, and that the area is very nice now and that absentee landlords are gradually deteriorating the area.

Mrs. Caseman, 216 Maplewood Avenue, spoke in opposition to the application and mentioned parking scarcity.

Mr. Matthews, Solicitor for Mr. and Mrs. Brewster, the owners of the property responded to the concerns of the residents. He added that the behaviour of the tenants is a separate issue from the use of the building. He added that the Purchase of Sale Agreement said "multi-unit" and did not specify the exact number. He also added that parking not being used in the back can be addressed by Mr. Brewster with his tenants as well as stopping the car repairs by tenants. Mr. Mathews also added that the Brewsters are not the ones who illegally converted the building and confirmed that the Brewsters do not live at the property.

The Committee then discussed this matter at some length and **APPROVED** the following **DENIAL** recommendation:

That Zoning Application 90-48, Glenville Lionel Brewster and Dorothy Merlene Brewster, owners, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations to legalize the established four-family dwelling located at 218 - 220 Maplewood Avenue, as shown on the attached map marked as Appendix "M", be DENIED for the following reasons:

- (a) It conflicts with the intent of the Official Plan, in that it would allow for an indiscriminate mix of housing types by introducing a four-family dwelling into an area which is predominately occupied by single-family and two-family dwellings.
- (b) Approval of the application would encourage other similar applications, which if approved, would undermine the intent of the Zoning By-law and change the character of the area.

14. Request for an Official Plan Amendment - Beddoe Drive, Chedoke Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 November 29, respecting the above-noted matter recommending that the application be approved, subject to the following:

- (a) That Schedule "A" to the Official Plan for the City of Hamilton be amended by redesignating the subject lands from "Industrial" to "Residential";
- (b) That Schedule "B" to the Official Plan for the City of Hamilton be amended by adding a new "Special Policy Area";
- (c) That Policy A.2.9.3 be amended by adding a new policy which will have the following effects:
 - (i) To require Site Plan Control for the lands;
 - (ii) To provide adequate buffering and screening; and,
 - (iii) To require the proponent to comply with Ministry of Environment regulations for noise abatement measures.
- (d) That the by-law of adoption for the Official Plan Amendment not be passed by City Council until:
 - (i) The applicant applies for and receives approval of a site plan including noise attenuation measures as identified by the Ministry of the Environment;
 - (ii) The applicant post a performance bond for required noise attenuation measures at the time of site plan approval; and,
 - (iii) An approved site plan is registered on the title of the land.
- (e) That the City Solicitor be directed to prepare by-law of adoption once the conditions are fulfilled.
- (f) That the City Clerk be directed to forward City Council's decision to the Niagara Escarpment Commission.

Mr. John Welton, President, United Lands Corporation, spoke to the Committee and advised that he has been in the business for 30 years and that to-date they have not done work in Hamilton but are hopeful that their application will be approved in order to develop the Lapp lands. Mr. Welton outlined one of their recently completed projects near the Ford Plant and then spoke of the potential of the Lapp lands for residential development. Mr. Welton distributed a summary of a study that they had done respecting the potential of developing the former Lapp site. Ms. Carolyn Woodland, Architectural Landscaper and Mr. John Coulter, Sound Consultant also spoke to the Committee with respect to the proposed landscape for the site and the noise buffering aspects of the development.

The Committee was in receipt of the following submissions:

- (a) Elsa Elwell, 140 Flatt Avenue - opposition.
- (b) Patricia and Al Sharp, 13 Chedoke Avenue - opposition.
- (c) Ms. M. Elinor Athawes, 36 Hyde Park Avenue, Mrs. Clark, 88 Flatt Avenue, Mrs. Pech, 84 Flatt Avenue - opposition.
- (d) Paul Smithson, 35 Flatt Avenue - opposition.
- (f) Doug Kelterborn, Manager, Property & Insurance, The Board of Education for the City of Hamilton - comments.
- (g) A. G. Lewis, Environmental Officer, Ministry of the Environment - comments.
- (h) Ian Hambleton, 42 Chedoke Avenue - opposition.

Mr. Norm Levitt, 186 Chedoke Avenue, spoke to the Committee and advised that he is a 36 year resident of the neighbourhood. He also gave a bit of the history to the area and the type of activities that have existed. He indicated that nearby schools are filled to capacity now and would probably require additional schools to be built if the application were approved. He also sited the difficulty with traffic in turning onto Chedoke at peak rush hour times. Mr. Levitt also indicated that golfers at Chedoke should be immune from the noise and that there would be fears that children would be hurt playing on the railway yards. He also expressed concerns that parkland around the City is gradually being eroded and that the City should reverse this trend and put parkland on this site.

Darcy Luxton, 88 Chedoke Avenue, spoke to the Committee and feels that any procedure on this site requires a considerable amount of discussion to ensure the acceptance by all involved and asked that the matter be postponed for further discussion.

Mr. Bill Thompson of Richard Allen, M. P. P.'s office, spoke on Mr. Allen's behalf and gave a historical view on the attempt to maintain the industry at the site. He urged that this matter not be proceeded with at this time for a more thorough view of the site's potential.

Mr. Bob Pelland, Manager with C.P. Rail and Mr. Ted Takarchuk of C.P. Rail spoke in strong opposition to the application as their rail yards are zoned Heavy Industrial and are in no way compatible with Residential use. He anticipates that there is no plan to leave the Aberdeen site and that the area could be used to store Go Trains if Go comes to Hamilton. He also added that the Rail has the right to use the Rail in any way they wish within their jurisdiction and is concerned that the rails move dangerous commodities detrimental to residential areas. He also suggested that if the application were approved that the new residents be required to sign a waiver that they will not complain about the affects of rail activities.

Mr. Takarchuk of C.P. Rail also outlined the activities in the yard and the noise connected with those activities.

Mr. Ian Giles, President of Chedoke Golf Course Club, spoke in strong opposition to the application. He added that the green space of the golf club is not a park but is a playing field that costs millions of dollars to develop and a great deal of money to maintain. He added that if people are walking onto the golf course, they will damage it and could also be hit by golf balls. He indicated that players should not be put in this responsible position. He also expressed concerns that children playing on the golf course could vandalize the course and also indicated the strong traffic on Chedoke Road. Mr. Giles also expressed concern at the infra structure of the golf course and at the concern he would have that if the golf course were dug up in any fashion to develop the Lapp site, that it would never be returned to the state that it is in now. He also indicated that children would cut across the golf course to get to school.

Mrs. Forrester, 25 Chedoke Avenue indicated that she is a 10 year resident of the area and has raised 5 children there and has enjoyed the parkland setting of the area. She also expressed her pleasure at the Bruce Trail as an asset to the area and feels that Hamilton should maintain this neighbourhood as it now stands.

Judith Bishop, 131 Barclay, spoke as a School Trustee of the area and outlined the enrolment rates at the nearby schools. She indicated that boundaries would have to be changed and is concerned at the impact to area children with respect to schooling.

The owner of property at 25 Main Side Avenue and President of the Earl Kitchener Home and School Association spoke and indicated that children will be accommodated at Earl Kitchener to the detriment of the current schools and asked for postponement of any decision.

Mr. John Nolan, 100 Chedoke Avenue, asked that the persons who are in attendance be notified of any future meetings. He indicated that neighbours want to review the matter further and do not approve it as it now stands. He indicated that no neighbourhood plan has occurred on this site and thus an official plan has not been drafted. He indicated that there have been a great number of events that have happened in the area recently, i.e. Westinghouse moving, Golf Course building and maintenance shed, etc. He strongly urged a delay in any decision making in order that a review of all aspects on the project's impact to the area could be determined.

The applicants then responded to the comments made by the residents and indicated that apartments are 4 storey buildings with pitched roofs, not like institutional types of buildings but residential building appearances. They also indicated that traffic can be resolved and lights installed as required. They also indicated that density is not an issue of concern to the planning staff when they reviewed their application and concurred that there would be no difficulty in including a warning clause in Purchase of Sale Agreements with respect to the rail concerns.

The Committee then discussed this matter at considerable length and agreed:

- (a) That this application **BE TABLED** and referred back to staff in order that public meetings can be held with the developer, the Ward Aldermen, the Neighbourhood, representatives of staff and the School Board to re-examine the land use for this area; and,
- (b) That those persons in attendance be advised of these meetings.

There being no future business, the meeting then adjourned.

Taken as read and approved,

**ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

**Susan K. Reeder
Secretary
1990 December 5**

B.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 15

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. Pavelka
Director of Public Works

SUBJECT: Central/Beasley P.R.I.D.E. Programme;
Appointment of Citizens' Advisory Committee

JAN 16 1991

RECOMMENDATION:

That, the following citizens be appointed to the Central/Beasley Citizens' Advisory Committee for the purpose of preparing a Community Improvement Plan:

Herbert Bluscke	Public School Board (ELECTED)
James Drake	Catharine Street North (ELECTED)
David Ducharme	Catharine Street North (ELECTED)
Dr. P. Fam	Catharine Street North (ELECTED)
Elizabeth Ward	John Street North (ELECTED)
Silva Habensas	Elgin Street
Art Raymond	Public School Board
Doug Wallace	Amity
Marty Karl	Mission Services
Vinze Piccolotto	Separate School Board
George D'Aurelio	Colbourne Street
Art Verrall	Wesley Centre
Major Don Bursey	Salvation Army (Alternate: Major James Smith)
Father Gus Smith	St. Mary's Church
Joseph Macaluso	Murray Street

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In order to implement the Provincial P.R.I.D.E. Programme, the public process is a key element. At a Public Meeting held in the Central/Beasley Neighbourhoods, five of the above fifteen names were elected by those present at the Public Meeting.

cc: Mrs. L. Dale, Secretary
Parks and Recreation Committee

C.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 17

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

SUBJECT: Central/Beasley Neighbourhoods;
Community Improvement Project Area

RECOMMENDATION:

- a) That, a Community Improvement Project Area be designated as per the attached Schedule 'A' for the Central/Beasley Neighbourhoods in conformity with the Planning Act, Section 28; and,
- b) That, the City Solicitor be authorized and directed to prepare the necessary By-law for (a) above.

NOTE: On 1989 October 10 City Council adopted the above resolution with different proposed boundaries. The Ministry of Municipal Affairs has advised us that the area must be contained within one continuous boundary.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

phs per J. Pavelka

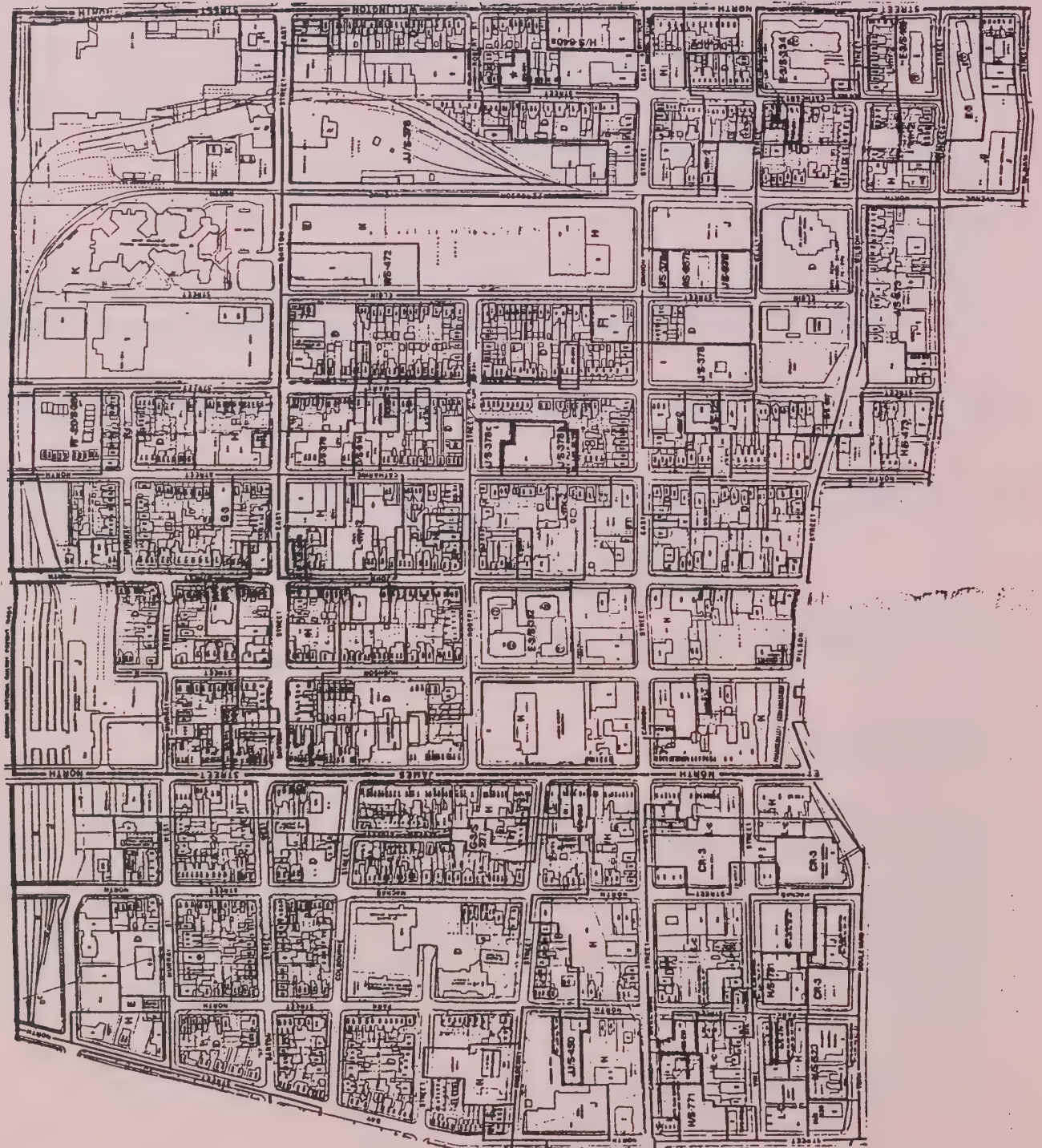
BACKGROUND:

On 1989 October 10 City Council approved the designation of a Community Improvement Project Area based on different boundaries (see attached Schedule 'B'). The map was prepared in this manner since James Street North was already adopted as a Community Improvement Project Area by itself. Since that time the Ministry of Municipal Affairs has contacted the Community Renewal Section and advised that the Community Improvement Project Area for the Central/Beasley P.R.I.D.E. must be contained with one contiguous area. Therefore, we have included James Street North as part of a new, larger Central/Beasley Community Improvement Project Area.

cc: Ms. P. Noe Johnson, City Solicitor
City Solicitor's Department

ATTN: Mr. L. Farr, Asst. City Solicitor

Schedule "A"

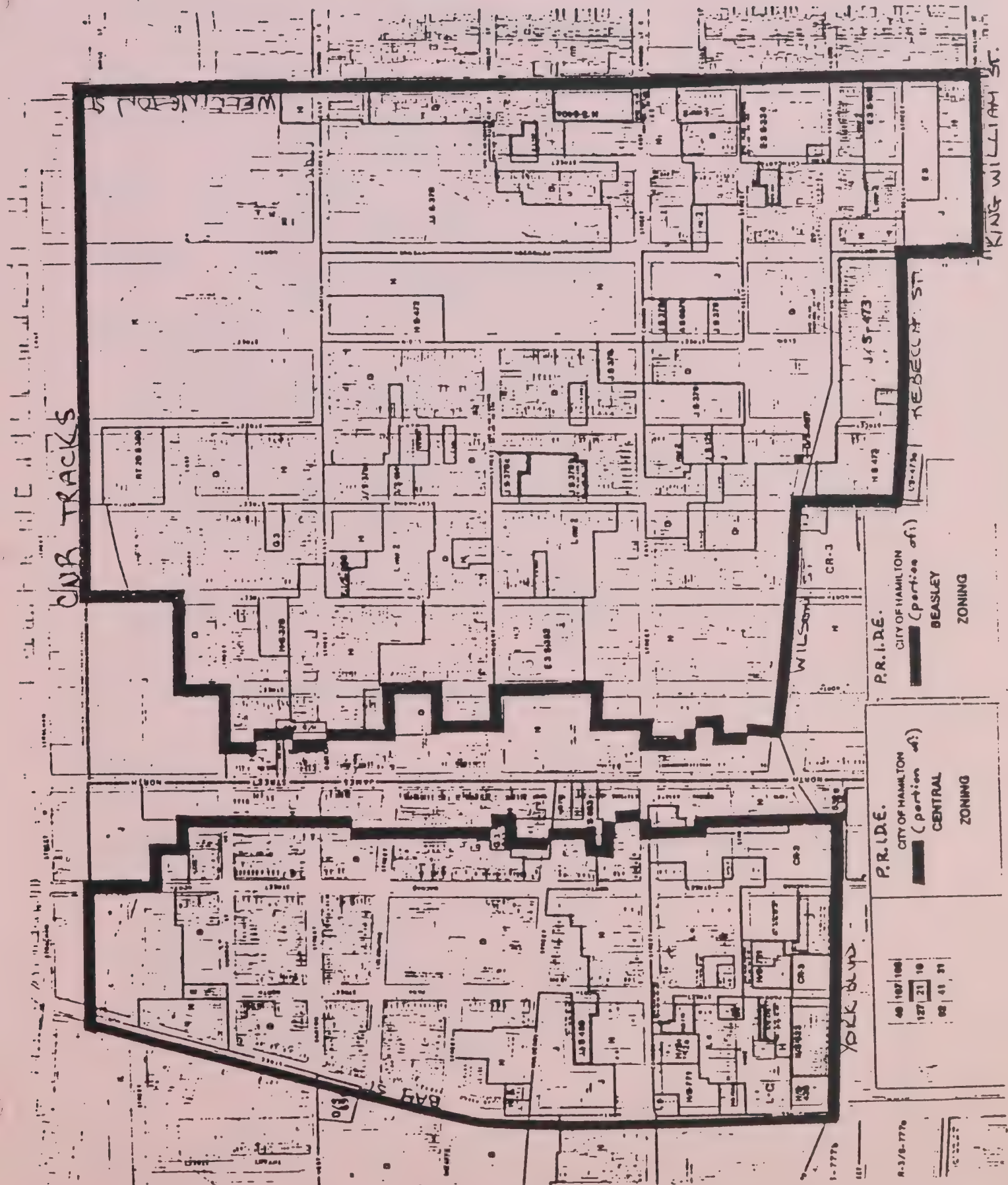


CITY OF HAMILTON
CENTRAL BEASLEY

P.R.P.L.



Schedule "B"



P.R.I.D.E.
CITY OF HAMILTON
(portion of)
BEASLEY
ZONING

P.R.I.D.E.
CITY OF HAMILTON
(portion of)
CENTRAL
ZONING

40 1071 100
127 21 10
02 01 31

YORK BLVD

WILSON ST

CNR TRACKS

WILSON ST

KING WILLIAM ST

REBECCA ST

1-7776
8-3/8-776

CITY OF HAMILTON
- RECOMMENDATION -

D.

DATE: 1991 January 16

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. Pavelka
Director of Public Works

SUBJECT: Main Street West B.I.A. Proposed Budget
and Schedule of Payments for 1991

RECOMMENDATION:

- a) That the 1991 operating Budget of the Main Street West B.I.A. be approved in the amount of four thousand dollars (\$4,000.), and;
- b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference (a) above; and,
- c) That the schedule of payments for 1991 be as follows:

February 01	\$2,000.
July 01	\$2,000.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

*Done per
J. Pavelka*

BACKGROUND:

At its meeting held 1990 September 19, the Main Street West B.I.A. adopted a budget of four thousand dollars (\$4,000.).

cc: Ms. P. Noe Johnson, City Solicitor
City Solicitor's Department
Mr. E. Matthews, City Treasurer
Treasury Department
ATTN: Mr. T. Bradbury, Asst. Supervisor Business Tax
Mr. J. Thompson, Secretary
Finance and Administration Committee

CITY OF HAMILTON
- RECOMMENDATION -

E.

DATE: 1991 January 16

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. Pavelka
Director of Public Works

SUBJECT: Downtown Promenade B.I.A. Proposed Budget
and Schedule of Payments for 1991

RECOMMENDATION:

- a) That the 1991 operating Budget of the Downtown Promenade B.I.A. (attached as Schedule 'A') be approved in the amount of one hundred and ninety-nine thousand dollars (\$199,000.); and,
- b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference (a) above; and,
- c) That the Schedule of Payments for 1991 be as follows:

January 01	\$16,583.33
February 01	16,583.33
March 01	16,583.33
April 01	16,583.33
May 01	16,583.33
June 01	16,583.33
July 01	16,583.33
August 01	16,583.33
September 01	16,583.33
October 01	16,583.33
November 01	16,583.33
December 01	16,583.33

NOTE: 1990 Levy Arrears will be deducted from the first payment for 1991.

...../2

*for per
J. Pavelka*

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At a general meeting held on 1990 December 04, the Downtown Promenade B.I.A. adopted a Budget of one hundred and ninety-nine thousand dollars (\$199,000.).

cc: Ms. P. Noe Johnson, City Solicitor
City Solicitor's Department
Mr. E. Matthews, City Treasurer
Treasury Department
ATTN: Mr. T. Bradbury, Asst. Supervisor Business Tax
Mr. J. Thompson, Secretary
Finance and Administration Committee

B.L.A BOARD OF DIRECTORS:

Paul Pappas (Chairman)	Grapes & Things	526-1121
Ray Harris (Vice-Chair/Beaut.)	Harris & Henderson	528-4242
Daniel Marissen (Treasurer)	Durward Jones Barkwell	525-9520
Gordon Bullock (Gary Evans)	The Spectator	526-3333
Wilf Gerofsky	Leeds	525-6267
Greg Gouthreau	Hamilton Holiday Inn	528-3451
David House	Telesis	521-1451
Martin Kampen	Woolworth's	527-1555
Jordan Livingston	Jordan Livingston Furs	528-1177
Marcel Mongeon	Royal Connaught Hotel	527-5071
Reggie Titian	Reggie's Music & Sound	528-6739
Vince Agro	Alderman (Ward 2)	546-2700
William McCulloch	Alderman (Ward 2)	546-2700

Barry Massey (Past Chairman 83-88)
Bernard Hanna (Past Chairman 88-90)

BUDGET:

Revenue:		%
Levy	199,000	100
Expense:		
Reserve (City Holdback)	19,000	10
Fees/Administration	42,000	21
Projects	<u>138,000</u>	<u>69</u>
Total:	199,000	100

Note: This budget reflects a decrease from the previous year. This is based on the success of the partnership arrangements and additional grants which supplement revenues.



BARTON GENERAL

Business Improvement Area

MANAGEMENT OFFICE
379B Barton St. E.
Hamilton, Ontario
L8L 2Y2
Ph: 416-546-50
Fx: 416-527-4881

DECEMBER 6, 1990

DANNY DUBE
CITY OF HAMILTON
DEPARTMENT OF
COMMUNITY DEVELOPMENT

PLEASE BE ADVISED THAT AT THE GENERAL MEETING DECEMBER 5, 1990
BARTON GENERAL B. I. A. OF HAMILTON AGREED TO THE BUDGET FOR THE
YEAR 1991.

THE BUDGET WAS APPROVED BY THE BOARD FOR \$6000.00.

YOURS TRULY

JANE WEBB

B.I.A. OFFICE

CITY OF HAMILTON

- RECOMMENDATION -

I.

DATE: 1990 December 27

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. Pavelka
Director of Public Works

SUBJECT: Barton General Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1991

RECOMMENDATION:

- a) That the 1991 operating Budget of the Barton General B.I.A. (attached as Schedule 'A') be approved in the amount of six thousand dollars (\$6,000.); and,
- b) That, the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference in (a) above; and,
- c) That, the schedule of payments for 1991 be as follows:

April 01	\$2,000.
July 01	2,000.
October 01	2,000.

NOTE: 1990 Levy Arrears will be deducted from the first payment for 1991.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

*File per
J. Pavelka*

N/A

BACKGROUND:

At a general meeting held 1990 December 05 the Barton General B.I.A. adopted a budget of six thousand dollars (\$6,000.).

cc: Ms. P. Noe Johnson, City Solicitor
City Solicitor's Department
Mr. E. Matthews, City Treasurer
Treasury Department
ATTN: Mr. T. Bradbury, Asst. Supervisor Business Tax
Mr. J. Thompson, Secretary
Finance and Administration Committee

(A)C

RECEIVED

DATE

Oct 29/90

FILE NO

800-0014.5

LETTER NO.

1087-09

FILE

90/10/29

JMC

Westdale Village B.I.A.

Oct 26, 1990

RPD

Mr. D. Dubee
Community Development
Hamilton City Hall
Hamilton, Ontario

Dear Mr Dubee

On Wednesday, October 24, 1990, the Westdale Village B.I.A. had their annual general meeting to elect new officers for the Board of Management and to set the budget for 1991.

The results were as follows:

Board of Management

Wm. Dawson Chairman
Shelagh Snider Vice-Chairman
Helen Zsabo Treasurer
Susan Mc Connel
Yola Behert
Reg Lahie
Cathy Young New member
Pat Hubbard New member
Albert Snow New member

We accepted the resignation of two board members: Bob Basadur and Des Miklos and with approval of the membership increased the board size from eight to nine.

✓ We passed our budget with a vote of 25 for and 2 against. the budget for 1991 has been set at 30,000.00 with a 10% allowance included in this budget for the collection of bad debts.

Thanking you in advance for your time and consideration on this matter

I am

Yours truly

Shelagh Snider
Shelagh Snider

CITY OF HAMILTON

- RECOMMENDATION -

H.

DATE: 1990 December 27

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. Pavelka
Director of Public Works

SUBJECT: Westdale Village Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1991

RECOMMENDATION:

- a) That, the 1991 operating Budget of the Westdale Village B.I.A. (attached as Schedule 'A') be approved in the amount of thirty thousand dollars (\$30,000.); and,
- b) That, the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference (a) above; and,
- c) That, the schedule of payments for 1991 be as follows:

February 01	\$7,500.
April 01	7,500.
June 01	7,500.
October 01	7,500.

NOTE: 1990 Levy Arrears will be deducted from the first payment for 1991.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

*Done per
J. Pavelka*

N/A

BACKGROUND:

At a general meeting held 1990 October 24 the Westdale Village B.I.A. adopted a budget of thirty thousand dollars (\$30,000.).

cc: Ms. P. Noe Johnson, City Solicitor
City Solicitor's Department
Mr. E. Matthews, City Treasurer
Treasury Department
ATTN: Mr. T. Bradbury, Asst. Supervisor Business Tax
Mr. J. Thompson, Secretary
Finance and Administration Committee

November 23, 1990



Mr. Bob Chrystian
Manager of Parks Division
City Hall
71 Main St. West
Hamilton, Ontario
L8N 3T4

Attention: Ms. Jacqueline McNeilly

Dear Jacqueline:

On behalf of the Ottawa Street B.I.A., I would like to submit our requested schedule of payments for our 1991 budget.

Enclosed please find a copy of our 1991 B.I.A. budget of \$85,000. This amount was approved by 27 of 28 members with 1 abstention who attended the annual general membership meeting held on November 19, 1990.

We request that our schedule of payments be half (\$42,500 less necessary deductions due to unpaid levies) in the first payment and the rest split in two payments of \$21,250 each.

Some changes have been made to our Board of Directors, we therefore submit the following names as the Ottawa Street B.I.A. Board of Directors for 1991.

Gerald Carrey (Chairman)
Howards Flower Shoppe

Saul Eisenberg (Vice-Chairman)
Liberty House Furniture

Edith Desmarais (Treasurer)
Fred Gregory Florist

Lillian Ross (Secretary)
Maggies Ladies Wear

Ed Widerman (Director)
Heirloom Portraits

Clive Eynon (Director)
D & E Good Home Bakery

John Gut (Director)
Textile Centre

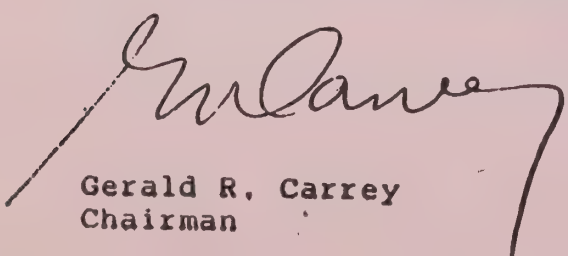
Lynne Zarubiak (Director)
Deblyn's Hair Salon

John Driscoll (Director)
Price Busters Discount

RECEIVED

If you have any further questions, please do not hesitate to contact me at Howards Flower Shoppe (545-3353) or through the B.I.A. office (544-5822).

Sincerely,


Gerald R. Carrey
Chairman

CITY OF HAMILTON

- RECOMMENDATION -

G.

DATE: 1991 January 2

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. Pavelka
Director of Public Works

SUBJECT: Ottawa Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1991

RECOMMENDATION:

- a) That, the 1991 operating Budget of the Ottawa Street B.I.A. (attached as Schedule 'A') be approved in the amount of eighty-five thousand dollars (\$85,000.); and,
- b) That, the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1990 Budget as reference in (a) above; and,
- c) That, the schedule of payments for 1991 be as follows:

March 01	\$42,500.
July 01	21,250.
September 01	21,250.

NOTE: 1990 Levy Arrears will be deducted from the first payment for 1991.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

*for per
J. Pavelka*

N/A

BACKGROUND:

At a general meeting held 1990 November 19 the Ottawa Street B.I.A. adopted a budget of eighty-five thousand dollars (\$85,000.).

cc: Ms. P. Noe Johnson, City Solicitor
City Solicitor's Department
Mr. E. Matthews, City Treasurer
Treasury Department
ATTN: Mr. T. Bradbury, Asst. Supervisor Business Tax
Mr. J. Thompson, Secretary
Finance and Administration Committee



BOARD OF MANAGEMENT
 CONCESSION STREET
 BUSINESS IMPROVEMENT AREA
 611 CONCESSION ST.,
 AT EAST 25th ST.,
 HAMILTON, ONTARIO L8V 1H6
 BUS. 874-8004

CONCESSION STREET BUSINESS IMPROVEMENT AREA

PROPOSED BUDGET FOR 1991

EXPENSES:	1990	1991
Advertising & Promo	12,500.00	14,000.00
Christmas	3,200.00	3,400.00
Office rent	6,000.00	
Wages		5,200.00
Telephone		400.00
Seminar attendance	500.00	400.00
Association dues		300.00
Insurance	600.00	400.00
Financial statement	250.00	270.00
Bank charges	100.00	125.00
Street improvements	1,200.00	1,200.00
Newsletter, office sup.	250.00	500.00
Welcome messages		350.00
Miscellaneous		500.00
	24,600.00	27,045.00
Contingency for bad debts	2,460.00	2,700.00
TOTAL	27,060.00	29,745.00

This is the proposed budget for the year 1991. All members of Concession Street BIA have been notified of a general meeting scheduled October 30, 1990, for final approval.

This proposal is subject to modifications if and when a government grant is approved in our favour.

F.

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: 1990 December 27

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. Pavelka
Director of Public Works

SUBJECT: Concession Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1991

RECOMMENDATION:

- a) That, the 1991 operating Budget of the Concession Street B.I.A. (attached as Schedule 'A') be approved in the amount of twenty-nine thousand, seven hundred and forty-five dollars (\$29,745.); and,
- b) That, the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference in (a) above; and,
- c) That, the schedule of payments for 1991 be as follows:

March 01	\$6,700.
April 01	4,700.
June 01	6,700.
August 01	5,700.
October 01	5,945.

NOTE: 1990 Levy Arrears will be deducted from the first payment for 1991.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

*Mr per
J. Pavelka*

N/A

BACKGROUND:

At a general meeting held 1990 October 30 the Concession Street B.I.A. adopted a budget of twenty-nine thousand, seven hundred and forty-five dollars (\$29,745.).

cc: Ms. P. Noe Johnson, City Solicitor
City Solicitor's Department
Mr. E. Matthews, City Treasurer
Treasury Department
ATTN: Mr. T. Bradbury, Asst. Supervisor Business Tax
Mr. J. Thompson, Secretary
Finance and Administration Committee

J.

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: 1991 January 16

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. Pavelka
Director of Public Works

SUBJECT: International Village B.I.A. Proposed Budget
and Schedule of Payments for 1991

RECOMMENDATION:

- a) That the 1991 operating Budget of the International Village B.I.A. (attached as Schedule 'A') be approved in the amount of fifty-six thousand, four hundred and seventy dollars (\$56,470); and,
- b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference (a) above; and,
- c) That the Schedule of Payments for 1991 be as follows:

February 01	\$14,117.50
April 01	14,117.50
June 01	14,117.50
October 01	14,117.50

NOTE: 1990 Levy Arrears will be deducted from the first payment for 1991.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

*1/16/91 per
J. Pavelka*

BACKGROUND:

At its meeting held 1990 November 14, the International Village B.I.A. adopted a Budget of fifty-six thousand, four hundred and seventy dollars (\$56,470.).

cc: Ms. P. Noe Johnson, City Solicitor
City Solicitor's Department
Mr. E. Matthews, City Treasurer
Treasury Department
ATTN: Mr. T. Bradbury, Asst. Supervisor Business Tax
Mr. J. Thompson, Secretary
Finance and Administration Committee

Hamilton's

INTERNATIONAL Village

Business Improvement Area

King Street, just east of the Holiday Inn
P.O. Box 485, Station A,
Hamilton, Ontario L8N 3H8

NOV 16/90

300-0014.6

1070-36

for 11-16-90
J.P.

November 15th, 1990

Ms. Jan Pacey
Community Renewal Officer
Community Development Department
City of Hamilton
71 Main Street West
HAMILTON, Ontario
L8N 3T4

Dear Jan:

Attached please find a copy of International Village Business Improvement Area's 1991 Budget requirement, approved unanimously at the Annual General Meeting held on Wednesday evening, November 14th, 1990. There were 27 members of the B.I.A. in attendance and voting.

As you will note, although our operating budget is at \$70,953.00 for 1991, our levy requirement from the members is at \$56,470.00, due to dollars recovered from our Federal Grant under the auspices of Canada Employment Centre. Should you require documentation on our Grant, please let me know and I can make that available to you.

Also attached please find a list of the Officers and Directors at Large for January through December 1991.

Thanks for attending our A.G.M., and for your valued assistance throughout the year.

Sincerely,

INTERNATIONAL VILLAGE B.I.A.

Mary M. Pocius

Mary M. Pocius,
Executive Director.

encl.

cc: Mr. Robert Chrystian
Alderman Wm. McCulloch

INTERNATIONAL VILLAGE B.I.A.
BUDGET REQUIREMENTS FOR 1991
(January-December 31st)



Village

King Street East
between Wellington
and Mary

	<u>COST</u>	<u>*RECOVERED FROM GRANT</u>	<u>NET COST</u>
<u>B.I.A. OPERATION</u>			
Rent	\$3,888	\$1,200	\$2,688
Utilities (Hydro/Phone)	1,215	900	315
Equipment Rentals	480	600	(120)
Office Supplies, Postage	1,200	960	240
Bank Charges	300	150	150
	<u>\$7,083</u>	<u>\$3,810</u>	<u>\$3,273</u>
<u>SALARY</u>			
Executive Director	\$18,200	\$6,240	\$11,960
Salary Costs	<u>1,820</u>	<u>633</u>	<u>1,187</u>
	<u>\$20,020</u>	<u>\$6,873</u>	<u>\$13,147</u>
<u>INSURANCE and AUDIT FEES</u>			
	850		850
<u>ADVERTISING and PROMOTION</u>			
	40,000		40,000
<u>LIGHTING FOR TREES</u>			
	<u>3,000</u>		<u>3,000</u>
	<u>\$70,953</u>	<u>\$10,683</u>	<u>\$60,270</u>
<u>Training Fees from Grant for Executive's Programme</u>			
		<u>3,800</u>	<u>(3,800)</u>
	<u>\$70,953</u>	<u>\$14,483</u>	<u>\$56,470</u>
			<u>Levy</u>
			<u>Requirement</u>

* Approved Grant From January 2 through
June 30, 1990 we are applying
for an additional Grant from
September 2nd, through March 31, 1992

Hamilton's

INTERNATIONAL

Village

King Street East
between Wellington
and Mary

BOARD OF MANAGEMENT

January - December 1991

CHAIRMAN	Frank Lauinger The Audio Store 201 King Street East	522-4061
VICE CHAIRMAN	Mrs. Dagmar Rudzewitsch Seaway Travel 249 King Street East	522-1862
SECRETARY	Mrs. Margaret Tsangarakis It's All Greek to Me! 283 King Street East	527-0044
TREASURER	Mrs. Jean Squires Canadian Imperial Bank of Commerce 335 King Street East	572-3320
Director at Large	Gary Frydman Gary's New York Men's Boutique 183 King Street East	527-65337
	Wolfgang Schoen The Black Forest Restaurant 255 King Street East	528-3538
	Agostino Ammendolia Ammendolia Real Estate 281 King Street East	523-4423

CITY OF HAMILTON

K.

- RECOMMENDATION -

DATE: 11 January 1991

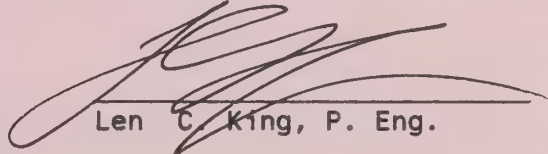
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
84½ Aikman Avenue - Tag Number 81617

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 84½ Aikman Avenue.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "E" (Multiple Dwelling, lodges, clubs, etc.)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant

BRIEF DESCRIPTION: One storey frame dwelling. This is one half of a semi-detached dwelling. The building is in fair condition.

It is the intention of the owner to demolish the existing single family dwelling and leave the land vacant. The owner stated he will be submitting a zoning application to change the present "E" (Multiple dwelling, lodges, clubs, etc.) to the proper zoning to permit parking for the adjacent funeral home to the east. Lot size 26.46' X 50'

The owner of the property as per the demolition permit application is:

J.B. Marlatt Funeral Homes
615 Main Street East
HAMILTON, Ontario L8M 1J4

Telephone: 528-6303
Attention: Mr. Bill Hockney

CITY OF HAMILTON

- RECOMMENDATION -

L.

DATE: 11 January 1991

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
86½ Aikman Avenue - Tag Number 81617

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 86½ Aikman Avenue.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "E" (Multiple Dwelling, lodges, clubs, etc.)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant

BRIEF DESCRIPTION: One storey frame dwelling. This is one half of a semi-detached dwelling. The building is in fair condition.

It is the intention of the owner to demolish the existing single family dwelling and leave the land vacant. The owner stated he will be submitting a zoning application to change the present "E" (Multiple dwelling, lodges, clubs, etc.) to the proper zoning to permit parking for the adjacent funeral home to the east. Lot size 23.13' X 50'

The owner of the property as per the demolition permit application is:

J.B. Marlatt Funeral Homes
615 Main Street East
HAMILTON, Ontario L8M 1J4

Telephone: 528-6303
Attention: Mr. Bill Hockney

CITY OF HAMILTON

m.

- RECOMMENDATION -

DATE: 11 January 1991

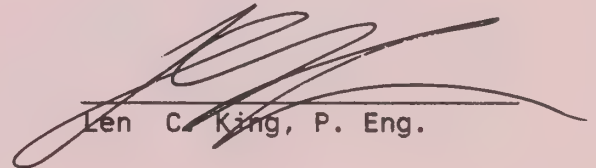
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
22 Wellington Street North - Tag Number 81512

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 22 Wellington Street North.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "H" (Community shopping and commercial, etc.)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Parking for existing adjacent funeral home.

BRIEF DESCRIPTION: Two storey brick dwelling in poor condition.

It is the intention of the owner to demolish the existing single family dwelling to create additional parking for the existing funeral home at 15 West Avenue North. Lot size 25.16' X 120.50'.

The owner of the property as per the demolition permit application is:

Trilliam Funeral Services Limited
2 Jane Street
TORONTO, Ontario M6S 3Y2 Telephone: 1-800-268-1528

CITY OF HAMILTON

- RECOMMENDATION -

N.

DATE: 11 January 1991

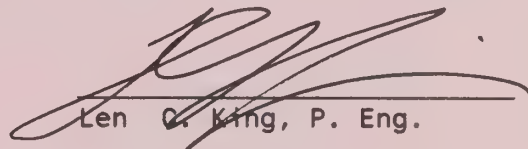
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1879 King Street East - Tag Number 81526

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1879 King Street East.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "H" (Community shopping and commercial, etc.) and "C" (Urban protected residential, etc.)

PRESENT USE: Single family dwelling

PROPOSED USE: Parking for existing adjacent church

BRIEF DESCRIPTION: One storey wood frame brick veneer dwelling in fair condition.

It is the intention of the owner to demolish the existing single family dwelling to create additional parking for the existing church which is immediately adjacent to the east. Lot size 40.05' X 135'.

The owner of the property as per the demolition permit application is:

Holy Cross Church
1883 King Street East
HAMILTON, Ontario
L8K 1V9

Telephone: 549-6707

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 11 January 1991

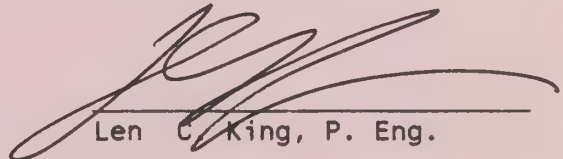
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
671 Upper Paradise Road - Tag Number

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 671 Upper Paradise Road.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "AA" (Agricultural District)

PRESENT USE: Single Family Dwelling

PROPOSED USE: East/West Mountain Freeway

BRIEF DESCRIPTION: One storey brick dwelling in run down and deteriorated condition.

It is the intention of the owner to demolish the existing single family dwelling for the future East/West Mountain freeway roadwork. Lot size 75.00' X 200.00'.

The owner of the property as per the demolition permit application is:

Regional Municipality of Hamilton-Wentworth

71 Main St. West

HAMILTON, Ontario L8N 3T4

Telephone: 546-2738 (Property Department)

CITY OF HAMILTON

P.

- RECOMMENDATION -

DATE: 11 January 1991

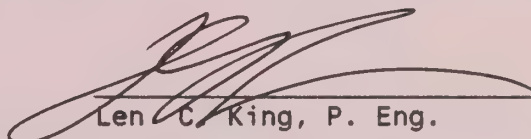
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1477 Upper James Street - Tag Number

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1477 Upper James Street.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" (Urban protected residential, etc.) and "AA" (Agricultural District)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Proposed Roadway

BRIEF DESCRIPTION: One and a half storey solid brick construction dwelling.
The exterior is in very poor condition and the interior of the dwelling is a shambles and open to trespass.

It is the intention of the owner to demolish the existing single family dwelling for a proposed roadway.

The owner of the property as per the demolition permit application is:

The City of Hamilton

71 Main Street West

HAMILTON, Ontario L8N 3T4

Telephone: 546-2738 (Property Department)

FOR ACTION

Q.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

DATE: January 16, 1991

FROM: Mr. L. King, P. Eng.
Commissioner
Department of Buildings

DEPT FILE: HERITAGE 72

SUBJECT: City of Hamilton Heritage Programme -
219 Ferguson Avenue South, Hamilton

JAN 17 1991

RECOMMENDATION:

That an increase of three hundred and nine dollars (\$309.) be approved under the Community Heritage Trust Fund for a new loan amount of two thousand, nine hundred and ninety-three dollars (\$2,993.) be approved for Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over ten years; and,

That an increase of three hundred and ten dollars (\$310.) be approved under the Designated Property Grant Programme for a new grant amount of two thousand, nine hundred and ninety-four (\$2,994.) be approved for Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton.


Mr. L. King, Building Commissioner

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the City's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1990 January 30. The owners of the designated property located at 219 Ferguson Avenue South have applied under the Programme for the restoration of the roof and recapping of its parapet walls.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of H. Kaut's estimates.

Since the time of approval, additional work was required and has resulted in the increase . The additional work has also been approved by L.A.C.A.C.

It is therefore recommended that a Designated Property Grant in the amount of \$2,994., and a Community Trust Fund loan in the amount of \$2,993. at six percent interest be approved. The monthly payments will be \$33.23 amortized over ten years.

The Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$5,987.

c.c. R. Camani, Treasury Department

FOR ACTION

R.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

DATE: January 16, 1991

FROM: Mr. L. King, P. Eng.
Commissioner
Department of Buildings

DEPT FILE: HERITAGE 68

JAN 17 1991

SUBJECT: City of Hamilton Heritage Programme -
223 Ferguson Avenue South, Hamilton

RECOMMENDATION:

That an increase of one hundred and ninety dollars (\$190.) be approved under the Community Heritage Trust Fund for a new loan amount of two thousand, seven hundred and fifty-seven dollars (\$2,757.) be approved for Penelope Preston, 223 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over ten years; and,

That an increase of one hundred and eighty-nine dollars (\$189.) be approved under the Designated Property Grant Programme for a new grant amount of two thousand, seven hundred and fifty-seven (\$2,757.) be approved for Penelope Preston, 223 Ferguson Avenue South, Hamilton.


Mr. L. King, Building Commissioner

FINANCIAL IMPLICATIONS [N/A]:

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the City's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1990 January 30. The owners of the designated property located at 223 Ferguson Avenue South have applied under the Programme for the restoration of the roof and recapping of its parapet walls.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of H. Kaut's estimates.

Since the time of approval, additional work was required and has resulted in the increase . The additional work has also been approved by L.A.C.A.C.

It is therefore recommended that a Designated Property Grant in the amount of \$2,757., and a Community Trust Fund loan in the amount of \$2,757. at six percent interest be approved. The monthly payments will be \$30.61 amortized over ten years.

The Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$5,514.

c.c. R. Camani, Treasury Department

FOR ACTION

S.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

DATE: January 16, 1991

FROM: Mr. L. King, P. Eng.
Commissioner
Department of Buildings

DEPT FILE: HERITAGE 70

JAN 17 1991

SUBJECT: City of Hamilton Heritage Programme -
225 Ferguson Avenue South, Hamilton

RECOMMENDATION:

That an increase of one hundred and ninety dollars (\$190.) be approved under the Community Heritage Trust Fund for a new loan amount of two thousand, seven hundred and fifty-seven (\$2,757.) be approved for Hugh Caughey, 225 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over ten years; and,

That an increase of one hundred and eighty-nine dollars (\$189.) be approved under the Designated Property Grant Programme for a new grant amount of two thousand, seven hundred and fifty-seven (\$2,757.) be approved for Hugh Caughey, 225 Ferguson Avenue South, Hamilton.



Mr. L. King, Building Commissioner

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the City's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1990 January 30. The owners of the designated property located at 225 Ferguson Avenue South have applied under the Programme for the restoration of the roof and recapping of its parapet walls.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of H. Kaut's estimates.

Since the time of approval, additional work was required and has resulted in the increase . The additional work has also been approved by L.A.C.A.C.

It is therefore recommended that a Designated Property Grant in the amount of \$2,757., and a Community Trust Fund loan in the amount of \$2,757. at six percent interest be approved. The monthly payments will be \$30.61 amortized over ten years.

The Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$5,514.

c.c. R. Camani, Treasury Department

FOR ACTION

T.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

DATE: January 16, 1991

FROM: Mr. L. King, P. Eng.
Commissioner
Department of Buildings

DEPT FILE: HERITAGE 71

SUBJECT: City of Hamilton Heritage Programme -
227 Ferguson Avenue South, Hamilton

JAN 17 1991

RECOMMENDATION:

That an increase of one hundred and eighty-nine dollars (\$189.) be approved under the Community Heritage Trust Fund for a new loan amount of two thousand, eight hundred and thirty-three (\$2,833.) be approved for Elaine Elson, 227 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over ten years; and,

That an increase of one hundred and ninety dollars (\$190.) be approved under the Designated Property Grant Programme for a new grant amount of two thousand, eight hundred and thirty-four (\$2,834.) be approved for Elaine Elson, 227 Ferguson Avenue South, Hamilton.



Mr. L. King, Building Commissioner

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the City's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1990 January 30. The owners of the designated property located at 227 Ferguson Avenue South have applied under the Programme for the restoration of the roof and recapping of its parapet walls.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of H. Kaut's estimates.

Since the time of approval, additional work was required and has resulted in the increase . The additional work has also been approved by L.A.C.A.C.

It is therefore recommended that a Designated Property Grant in the amount of \$2,834., and a Community Trust Fund loan in the amount of \$2,833. at six percent interest be approved. The monthly payments will be \$31.45 amortized over ten years.

The Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$5,667.

c.c. R. Camani, Treasury Department

U.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 4

JAN 4 1991

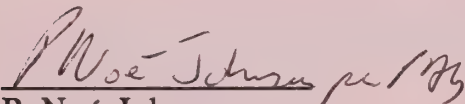
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: P. Noé Johnson,
City Solicitor

SUBJECT: 172 Beach Road - Repeal of By-law No. 89-243

RECOMMENDATION:

That By-law No. 89-243, passed on August 29, 1989, be repealed.


P. Noé Johnson

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

City Council, on August 29, 1989, enacted By-law No. 89-243 which modified the "K" zoning of 172 Beach Road to allow a lodging house for seven persons. The by-law also exempted the owner from providing parking on the site.

After the by-law was passed, two objectors appealed the by-law to the Ontario Municipal Board, based on the parking problems that might be created by the exemption in By-law No. 89-243.

The Ontario Municipal Board scheduled the Hearing of the appeal for January 3, 1991. During the time period between the passing of the by-law in 1989 and the Hearing date, the ownership of the premises changed. When the new owner was informed of the Ontario Municipal Board appeal, he decided he did not want to pursue the zoning change. At the Hearing, the Ontario Municipal Board Member requested that the City pass a by-law to repeal By-law No. 89-243.

CITY OF HAMILTON
- RECOMMENDATION -

JA

V.

DATE: 1991 January 3

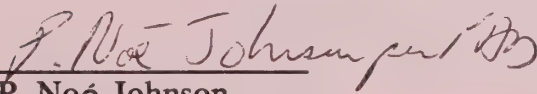
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: P. Noé Johnson,
City Solicitor

SUBJECT: Part-Lot Control - Part of Holland Avenue and Parcel B, Registered Plan 909

RECOMMENDATION:

That By-law No. 90-91 and By-law No. 90-334 be repealed.


P. Noé Johnson

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

On March 27, 1990, City Council passed By-law No. 90-91 to remove part-lot control under Section 49(5) of the Planning Act, from Holland Avenue and Parcel B, Registered Plan 909. The removal of part-lot control allows the owner to sell part of a lot on a registered plan of subdivision without the consent of the Land Division Committee. The City was closing Holland Avenue, which was to be sold to a developer who wanted to add the Holland Avenue land to his land and develop the combined parcel. Under By-law No. 90-91, part-lot control would be reinstated on December 15, 1990. The developer requested an extension of the by-law. Accordingly, on November 27, 1990 City Council adopted Item 3 of the 21st Report of the Planning and Development Committee which recommended that the City Solicitor prepare a by-law to remove part-lot control on this land. By-law No. 90-334 was enacted on November 27, 1990.

Subsequent research has shown that Registered Plan 909 was deemed not to be a registered plan by By-law No. 9375, passed on June 27, 1961. Therefore, By-law No. 90-91 and By-law No. 90-334 are not necessary, since Registered Plan 909 is deemed not to be a plan of subdivision.

CITY OF HAMILTON
- RECOMMENDATION -

W.

DATE: January 7, 1991
P5-4-7-9

JAN 14 1991

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

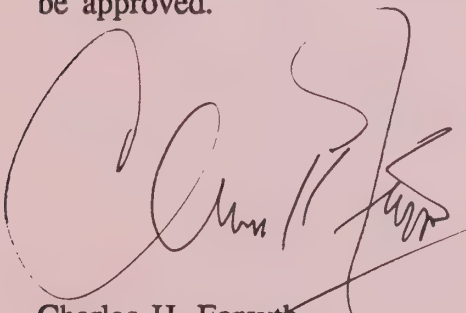
FROM: Charles Forsyth
Chairperson
Central Area Plan Implementation Committee (CAPIC)

SUBJECT:

Central Area Plan Implementation Committee - Revised Membership.

RECOMMENDATION:

That the attached revised Central Area Plan Implementation Committee Membership Listing be approved.



Charles H. Forsyth
Chairperson
CAPIC

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Central Area Plan Implementation Committee (CAPIC) is made up of individual citizens and representatives of organizations/agencies who have an interest in implementing the Central Area Plan. From time to time CAPIC's membership is reviewed as individuals give up their member status and as others express interest in becoming new members.

CONCLUSION:

The Central Area Plan Implementation Committee Membership Listing should be approved by the Planning and Development Committee in accordance with the terms of reference (see attached). The Planning and Development Department support this change.

M.D.:ns

A:\CAPICREP

CAPIC

MEMBERSHIP LISTING

Charles Forsyth, Citizen Member

Russell Elman, Durand Neighbourhood Association Inc.

Alderman William McCulloch, City of Hamilton

Dr. John Eyles, McMaster University

Mark Boyak, Hamilton Real Estate Board

Bruce Charlton, Citizen Member

Ozzie Ferguson, United Senior Citizens of Ontario

Arthur Lomax, Hamilton Automobile Club

Gabriel Etele, Downtown Business Improvement Area

Anne Stewart, Hamilton Board of Education

Kay Nolan, Hamilton-Wentworth Roman Catholic Separate School Board

Maggie Fischbuch, Citizen Member

John Nolan, Citizen Member

Bruce Rankin, Hamilton Society of Architects

Gillian Simmons, North End Neighbourhoods

Gloria DeSantis, Social Planning and Research Council

Marvin Wasserman, King East Business Association

Andrew McKenzie, Hamilton District Labour Council

Helen Nemeth, Beasley Neighbourhood

January 1991

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

TERMS OF REFERENCE

The mandate of the Committee is to advise the Planning and Development Committee on planning matters relating to the Central Area. Including:

- The Central Area Plan. Its update and revision;
- Strategies for implementing the policies of the Central Area Plan;
- Acting as a sounding board for development proposals;
- Co-ordinating initiatives in the Central Area;
- Monitoring Central Area matters;
- Supplying representatives to other committees to give a Central Area point of view.

Administrative

- The committee will be made up of representatives of organizations and individuals who together form a knowledgeable and balanced group.
- Changes in membership will be submitted by CAPIC to the Planning and Development Committee for approval.
- A Chairperson and Vice-Chairperson will be elected by CAPIC.
- The Planning and Development Department will be responsible for co-ordinating the Committee.

Background

- The Central Area is identified as the area bounded by Queen Street, Victoria Avenue, the Escarpment and the Bay.
- During 1979 and 1980, the Central Area Plan Advisory Committee prepared the Central Area Plan.
- In 1981, City Council adopted the plan.
- In 1983, City Council identified the need for a policy-oriented committee to implement the plan.

- The Central Area Plan Implementation Committee (CAPIC) was formed by Council in February, 1984, to concentrate on policy issues and their implementation.
- Since 1984, CAPIC has undertaken a major review of the Central Area Plan.
- Additionally, CAPIC has provided advice to the Planning and Development Committee on an ongoing basis.
- In 1988, City Council approved the revised Central Area Plan and it is in the process of being incorporated into the Official Plan.

MD/dkp
A:\TERMSREF.

November 1990



Urban Municipal
Librarian

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

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OFFICE OF THE CITY CLERK

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FAX: 546-2095

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1991

1991 January 31st

URBAN MUNIC. H.

GOVERNMENT DOCUMENTS

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1991 February 6th
9:30 o'clock a.m.
Room 233, City Hall

Susan K. Reeder
Secretary

A G E N D A

1. Consent Agenda.

DIRECTOR OF LOCAL PLANNING

2. Housing Intensification Study.

BUILDING COMMISSIONER

3. City of Hamilton Heritage Programme - 51 Stuart Street.

CASH-IN-LIEU OF PARKING COMMITTEE

4. Cash-in-lieu of Parking - 38-40 Centennial Parkway North.

MANAGER, LEGISLATIVE DIVISION, CITY CLERK'S OFFICE

5. FCM's request for resolutions.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

6. Proposed closure of CN Station - Designation under the Heritage Railway Stations Protection Act.

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

7. Ad Hoc Committee for CN Rail Station.

DIRECTOR OF LOCAL PLANNING

8. 45 Rifle Range Road Neighbourhood Plan Review.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

9. Zoning Application 90-86, T. and M. DiFranco, owners, for a change in zoning from "AA" to "C" for property at 204 Rymal Road West; Mewburn Neighbourhood.
10. Zoning Application 90-89, The Rector and Church Wardens of Christ's Church Cathedral, owner, for a modification to the "D" and "H" District regulations for property at 252 James Street North; Beasley Neighbourhood.

(a) Letter of objection -Klaas Detman, Ancaster.

10:45 O'CLOCK A.M.

11. Zoning Application 90-79, Don Peppino Foods Inc., lessee, for a further modification to the "M-12" District regulations for property at 1515 Upper Ottawa Street; Rymal Neighbourhood.
12. Zoning Application 90-82, Badima and Bosc Corporation, owner, for a further modification to the "E" District regulations for property at 19 Aikman Avenue; Gibson Neighbourhood.

11:00 O'CLOCK A.M.

13. Zoning Application 90-80, Chrysler Canada Limited, owner, for a change in zoning from "AA" to "G-3" for land in the area north of Stone Church Road West and west of Upper James Street; Kernighan Neighbourhood.
14. Adjournment.

CITY OF HAMILTON
- RECOMMENDATION -

2.

DATE: January 29, 1991
(P5-4-2-18)

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

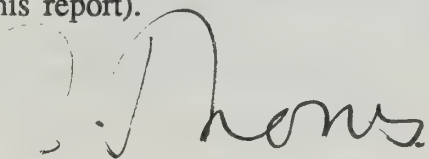
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Housing Intensification Study

RECOMMENDATION:

That the Planning and Development Department be directed to hold a public meeting to present a *Strategy for the Provision of Housing Intensification Opportunities* (as per Section 3.0 of this report).


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

1.0 BACKGROUND:

"Housing Intensification" is one of the most contentious issues facing municipalities in Ontario today and the City of Hamilton is no exception. Although the process of housing intensification at first glance appears rather innocuous, the positive and negative implications stemming from it are far ranging and significant.

Housing intensification is much more than converted dwelling units. Housing intensification can be defined as the process of increasing the number of households within the existing urban fabric by making more efficient use of the existing housing stock and/or physical infrastructure. Converted dwelling units are, of course, one component of housing intensification but other initiatives such as:

- infill;
- redevelopment;
- home sharing; and,
- the conversion of non-residential structures to residential use

are equally as important and achieve the same objectives as converted dwelling units - the creation of more housing and a more efficient use of the built environment.

Housing intensification is not a new concept. Since the early 1980's the Province has recognized intensification as a cost effective method of getting new housing units into the marketplace. As the housing units provided through intensification tend to be rental and of modest cost, intensification has been cited as a mechanism of achieving the broader goal of increasing supply of more affordable housing.

In 1989 encouraging housing intensification became a formal policy of the Province, through the Provincial Cabinet approval of the Policy Statement Land Use Planning for Housing. Although much has been said of the inadequacies of the Provincial Policy Statement, the City of Hamilton must

"identify opportunities to increase the supply of housing through better use of existing resources, buildings or serviced sites".

The purpose of this report is to provide Planning and Development Department recommendations on housing intensification for the City of Hamilton. The recommendations are based on the draft options of the Technical Steering Committee (continued in Appendix 11) two major background research studies and input from two well-publicized and well-attended public meetings held in July, 1990 and September, 1990, and numerous submissions from Hamilton citizens and community-based organizations. The process for developing these recommendations has taken many months and is the culmination of a great deal of dialogue and consultation with many concerned citizens, politicians, interest groups and Municipal Departments.

The Report is divided into the following sections:

1.0 Background

2.0 Issues and Analysis

- A. The Need for Housing Intensification
- B. Infill, Redevelopment and Non-Residential Conversions
- C. Residential Conversions
- D. Other Housing Intensification Issues

3.0 A Strategy for the Provision of Affordable Housing Intensification Opportunities

Appendices 1 to 11 provide background information for this Report.

As a preface to the report, it must be noted that there are no "quick fixes" to remedy the real and perceived problems associated with housing intensification - particularly residential conversion. However, the report attempts to provide a strategy which is a balance between locally administered policies, procedures and practices, with necessary Provincial actions, in order to deal with these problems, as well as the broader issue of intensification.

2.0 ISSUES AND ANALYSIS

Based on the previous background reports, the comments and submissions on the Draft Options, and staff discussions, the following major issues have been identified:

A. THE NEED FOR HOUSING INTENSIFICATION

The need for housing intensification is a result of Provincial requirements and housing demands. As such, this section is divided into the following subsections:

- Legislative Requirements for Housing Intensification;
- The Need for Affordable Housing; and,
- Recommended Approach.

A.1 LEGISLATIVE REQUIREMENTS FOR HOUSING INTENSIFICATION

The Provincial Policy Statement requires the City of Hamilton, as a priority area, to develop policies which:

Identify opportunities to increase the supply of housing through better use of existing resources, buildings or serviced sites to meet changing demographic trends and housing demands, and adopt a strategy to make use of those opportunities, by:

- i) *designating areas in the official plan where each form of Residential Intensification will be permitted;*
- ii) *including zoning provisions to permit rooming, boarding and lodging houses, and Accessory Apartments as-of-right where they are permitted uses in the official plan; and,*
- iii) *adopting policies and development standards for New Residential Development so that alterations to create additional units in new building stock can take place in the future, as needs change within those communities.*

Much criticism has been placed on the Provincial Policy Statement for being a document reacting to Toronto-area housing problems. As well, the Provincial Policy Statement is a land use planning document which purports to address the need for "affordable" housing, that for the most part cannot be addressed through land use planning per se.

A more effective solution, which has been recognized by the new Provincial Government, is to construct more assisted housing units that would follow-up on the successful "Homes Now" Program.

Although the Provincial Policy Statement may be flawed, as a priority area, Hamilton must still design a strategy to meet the spirit of the Policy Statement. It must be recognized that any municipal strategy on residential intensification has to be sensitive to local issues and concerns within the community.

In addition, it should be noted that Hamilton is already fairly advanced in providing housing intensification opportunities, when compared to other Ontario municipalities. As part of one of the background reports, a survey of 23 Ontario municipalities was undertaken. The survey concluded that Hamilton is one of the more progressive municipalities, with regulations that are less stringent than most other municipalities (e.g. Hamilton's height requirements and no maximum lot coverage). It is one of the few municipalities that permits, under certain circumstances, conversions as-of-right.

A.2 THE NEED FOR AFFORDABLE HOUSING

Housing intensification can create rental accommodation at a more affordable cost than through new construction. The current cost of constructing a modest new rental unit is much more than the costs of renovating existing buildings. The private sector has not been constructing new rental accommodations. The current vacancy rate in the City is 1.4%, down from 5.7% in 1977. Presently, there is not enough rental accommodation to meet our housing needs. Aside from assisted housing, housing intensification is one of the few ways available to meet the needs for more rental accommodation.

In addition to the need for more rental accommodation, there is also a need to provide smaller units. Demographic trends indicate a growing number of single person, senior citizen and single-parent households, which generally require smaller housing units. For example, the number of single person households in Hamilton has increased from 14,550 in 1971 to 31,375 in 1986. As a percentage of all households, they increased from 15% in 1971 to 27% in 1986.

The background reports outlined some of the advantages of housing intensification:

- more cost effective provision of public services;
- increasing densities to support public transit;
- need for less roads, sewer and water service, as well as potential cost savings from less maintenance requirements;
- more customers are available for local businesses and a greater level of service can be conveniently provided;
- property owners have more options for the use of their property;
- neighbourhood assessment is increased;
- more affordable housing opportunities can be provided;
- implementation of the concept of sustainable development, by promoting a more compact urban form; and,
- maintain current population levels.

In addition, some potential disadvantages were identified:

- change in appearance of the neighbourhood;
- more demand for public services;
- a more crowded neighbourhood;
- more traffic congestion on the street and potential adverse parking situation; and,
- a resistance among residents to new people moving into the neighbourhood.

A.3 RECOMMENDED APPROACH

While housing is needed and should be provided for, it is clear from the Policy Statement that municipalities are encouraged to develop local approaches to housing intensification. Therefore, Hamilton must develop a strategy that creates opportunities for housing intensification and that is sensitive to local housing issues, conditions and circumstances.

B. INFILL, REDEVELOPMENT AND NON-RESIDENTIAL CONVERSIONS

Infill, redevelopment and conversion of non-residential buildings offer opportunities for residential intensification. This section examines these opportunities, as well as outlines a recommended approach for these forms of housing intensification.

B.1 OPPORTUNITIES

Infilling refers to new housing on vacant or underutilized lots. Redevelopment refers to new housing opportunities on land previously developed. The conversion of non-residential buildings for residential use also creates opportunities for more housing. Care is needed to integrate new housing into the neighbourhoods both in land use and visual terms, for example:

- satisfactory parking must be provided and traffic impacts must be considered;
- hard and soft services should be available;
- privacy of existing housing should be maintained;
- adjacent uses and zoning should be considered; and,
- the development should respect the architectural, historic and landscape character of the area in terms of setbacks, height, scale and texture.

In Hamilton, there has been an ongoing commitment to these types of intensification proposals, for example:

- the redevelopment of Pigott/Sun Life buildings, former offices for apartments;
- the rezoning application for the redevelopment of the Tiffany Block;
- the proposed reuse of the Westinghouse Office Building;
- the reuse of offices at King and Sanford Streets;
- the redevelopment of the Donald Greening building at Queen and Napier; and,
- the Corktown co-op, a former industrial site.

The Planning and Development Committee is also currently considering an application for residential use of the former Lapp industrial site on Beddoe Drive.

B.2 RECOMMENDED APPROACH

Redevelopment, infill and non-residential conversions clearly provide opportunities for housing. Therefore, consideration should be given to the following three initiatives:

i) Commercial Conversions

Currently in the "H" Zoning district conversions are permitted up to 10 units without parking, subject to the following:

- the building existed prior to March 8, 1983;
- a radial separation of 180 meters (600 feet) is maintained between converted buildings; and,
- the average floor area of all dwellings is a minimum of 65 m² (700 sq. ft.).

In older no longer economically-viable commercial areas, such as sections of Barton Street, consideration may be given to removing the radial separation, in conjunction with other special program initiatives, on an area-by-area basis.

To date, few conversions of this nature have occurred. Clearly, there is a need to make property owners aware of these opportunities and help them access available programs designed to help cover the costs of the conversion. A public-awareness program for key commercial areas should be developed.

Barton Street should be given special consideration and identified as a special policy area in the Official Plan, in order to encourage residential conversions.

ii) Support for Proposals

There are a significant number of older non-residential buildings in Hamilton with the potential for conversion. These include space over strip commercial areas, office buildings, manufacturing plants and surplus schools.

Pre-determination of such opportunities may be difficult, given that the reuse of these buildings are the result of private sector decisions. Council should continue to support initiatives for redevelopment, infill and the conversion of non-residential buildings as they occur. It is suggested that general Official Plan policies be developed to support these initiatives and the conditions for that support. These policies can be developed as part of the Department's implementation work on the Provincial Policy Statement.

While specific site opportunities for residential infill and redevelopment opportunities are difficult to determine on an individual basis, broad geographic areas for these opportunities will be identified through work to be prepared by the Regional Planning Branch, as part of the Regional Housing Statement Update recommendations.

iii) Mixed Commercial/Residential Development

It has been suggested that consideration be given to requiring residential use as part of a commercial development where new areas are zoned or designated for commercial use.

While it may not be appropriate to require residential uses as a part of all new commercial development, it may be beneficial to encourage commercial/residential mix in neighbourhood plans and the Zoning By-law. This would provide an opportunity for the private sector to construct affordable housing.

Such mixed uses may be most appropriate for neighbourhood commercial developments and in older commercial strips. Appropriate policies encouraging this can be developed as part of the implementation work for the Provincial Policy Statement.

Council should continue to support applications for these types of housing intensification initiatives, where they can successfully be integrated into neighbourhoods.

C. RESIDENTIAL CONVERSIONS

Residential conversion is the addition of housing units in an existing residential building. Typically, this consists of altering single-family dwellings to create one or more self-contained units (duplexing or triplexing). Clearly, residential conversion is the most controversial issue facing any strategy for housing intensification.

Due to the limited cost of adding units through residential conversions, this form of intensification has been identified by the Province as the most cost effective method of intensification with the greatest potential for increasing the housing stock.

Currently, the Zoning By-law allows as-of-right conversions for single-family and two-family dwellings if:

- dwelling construction is before July 25, 1940;
- each unit is a minimum of 65 square metres (700 square feet);
- the lot area is a minimum of 270 square metres (2,900 square feet);
- sideyard setbacks are in accordance with the provisions applicable to the district in which the lot is included;
- parking is in accordance with the Zoning By-law, (i.e. 2 spaces for 2 units, 4 spaces for 3 units) all provided behind the building line; and,
- there is no change in external appearance.

Two units are permitted subject to the above standards in single family and suburban zoning districts (B, B-1, B-2, C, AA). Three units are permitted subject to the above standards in "D", (One and Two family zoning) districts and "DE", (Multiple Zoning) districts. Additional units are permitted in the multiple residential zoning districts (DE, DE-2, DE-3, E, E-1, E-2, E-3) subject to lot requirements.

This form of intensification has created the greatest concern. Based on the input at public meetings, submissions received from the public and the Technical Steering Committee's draft options, the following issues must be addressed if this form of intensification is to continue to provide housing opportunities.

- 1940 Age Restriction;
- Illegal Conversions;
- Absentee Landlords;
- Minimum Unit Sizes; and,
- Standards for Conversions.

C.1 1940 AGE RESTRICTION

The first issue related to residential conversions is the 1940 age restriction, as established in the original 1950 Zoning By-law.

As a result of this age restriction, the following concerns have been identified:

- there is an inequitable distribution of conversion in the City. While areas built prior to 1940 can be converted, the rest of the City is excluded. There is a need to examine options for a more equitable distribution of converted dwellings;
- as time goes by, the stock of potential conversion is taken-up and no new opportunities become available;
- affordable rental accommodation is needed throughout the City;
- the Province, in its Implementation Guidelines for the Policy Statement, states that barriers to intensification, such as age restrictions, should be removed; and,
- the concentration of conversions in pre-1940 neighbourhoods has resulted in the following concerns as identified by the public:
 - parking problems;
 - loss of greenspace;
 - changes to streetscapes;
 - strain on the existing infrastructure;
 - declining property maintenance;
 - increased noise and garbage; and,
 - influx of tenants who do not care about their neighbourhoods.

There are three options in dealing with the 1940 age restriction for residential conversions, specifically:

C.1.1 Remove the 1940 Age Restriction

Removing the 1940 age restriction for the conversion of residential units is supported by residents in the pre-1940 neighbourhoods, affordable housing groups and landlords. This is also consistent with the requirements of the Provincial Policy Statement. This option would:

- create opportunity for approximately 9,500 additional units. However Provincial studies such as the Ekos report on property value show that only 6% of units would likely convert (572 units). The need for apartment units is estimated to be 330 per year. Assuming conversions in the post 1940 area take five years to establish, this would contribute 114 units per year;
- provide incentives for home ownership, by creating additional household income from rental units;
- reduce illegal conversions as there will be a greater potential for legal conversions; and,
- treat each area of the city on an equitable basis.

This option may impact post-1940 areas as these areas do not permit residential conversions as-of-right other than through zoning by-law amendments or minor variances. Residents may have bought into the neighbourhood or rented houses with the expectation that apartments would not generally be permitted. Specifically, there may be concerns about conversions on property values. However, Provincial studies have shown that the effects of conversions on property value is negligible.

C.1.2 Set Age Limits

Another option would be to permit houses of a certain age to convert. Over time, more houses would be able to convert, subject to certain by-law restrictions.

Many of the advantages noted above by removing the 1940 age restriction entirely would apply, but to a limited extent (e.g. more potential for apartments, more legal units complying with fire and safety standards, greater choice of location, etc.), while taking the pressure off the pre-1940 areas.

However, an age limit would not permit conversions throughout the city, and would restrict some households from supplementing their income through conversion. In addition, it may encourage some illegal units in homes that have not yet achieved the age requirement.

The Technical Steering Committee suggested permitting conversion in those areas built between 1940 and 1945 as-of-right, in order to minimize the impact of conversions, with a view to extending conversions a further five years in the future. However, this option would not provide enough opportunities to take the pressure off the pre-1940 areas.

Perhaps a more realistic approach would be a 20 year age limit which corresponds to the life cycle of a typical family. Household size tends to decrease after this period of time, as children leave the household. Several municipalities have an age of dwelling requirement, including Ottawa (20 years), Mississauga (20 years), North York (30 years) and York (20 years). However, it should be noted that recently, age restrictions have been challenged before the O.M.B.

C.1.3 A Moratorium on Conversions

The option of a moratorium on residential conversions in pre-1940 neighbourhoods has been suggested to check the concentration of conversions. This would still permit owners to apply individually for residential conversions but remove the as-of-right conversion. A moratorium would allow legal conversions to be limited but may induce more illegal conversions and the associated problems of safety.

However, a temporary moratorium may be appropriate for an area that is undergoing a neighbourhood plan review. Section 37(7) of the Planning Act (Interim Control By-laws) allows a one year freeze, where a planning study is underway.

C.1.4 Conclusion

Based on the above analysis, it seems appropriate to lift the present 1940 age restriction and eliminate this discriminatory element.

Many homeowners purchased a home in particular neighbourhoods specifically because it was "a single-family area", and want their neighbourhood to remain in that state. This is a legitimate concern and clearly there is a need to "protect" some neighbourhoods from higher-density dwelling forms. There remains a very strong demand for neighbourhoods that have a low density character. This should be recognized in any housing intensification strategy.

The Provincial Policy Statement implicitly recognizes these aspirations. The Policy Statement permits municipalities to identify areas where residential conversions would be permitted and allows for the exclusion of areas where demand, services and housing form would not be appropriate for conversions.

On this basis, an age limit of 20 years could be applied to all new housing developed in the City. Once the dwelling has aged beyond the 20 year requirement, it should be allowed to convert subject to by-law requirements. This ties in to the aging of a household, as mature children move out of the house. As a result, neighbourhoods change, as households change and housing conversion becomes viable.

This option will open the City up to greater opportunities for conversions, with the ongoing potential for additional units for conversion every year. If this option were to be adopted this year, homes built before 1971 would be allowed to convert, subject to other by-law requirements (see Map, Appendix 7).

An additional approach would be to consider in the formulation of neighbourhood plans for the undeveloped areas of the city, the designation of sites for conversions at any time subject to special zoning to accommodate new innovative housing forms such as the Charlie house.

C.2 ILLEGAL CONVERSIONS

The second issue related to residential conversions is the amount of illegally converted units, as cited by the public in submissions received. Problems associated with illegal conversions include:

- limitations in the enforcement of illegal units due to limitations in Provincial statutes. Currently, enforcement of the Zoning By-law is initiated on a complaint basis;
- the lack of health and safety standards that would be met if the conversion complies to building, health and fire standards as required by the Ontario Building Code;
- the creation of on-site problems such as:
 - insufficient parking; and,
 - changes in physical appearance.
- the loss of property tax dollars, as illegal converted homes are not assessed at a higher level than single family homes; and,
- tenants evicted from deconverted units are forced to find alternative accommodation in an already tight rental market.

As a condition of further residential conversions, consideration must be given to an approach that deals with the issue of illegals and enforcement. In addition, there needs to be some mechanism to assist and/or protect tenants of illegal units. Such an approach should contain the following eight elements:

i) Entry to Dwellings

Gaining access in order to verify illegal units has been identified as a problem. Current legislation limits municipal building inspectors' authority to enter.

The Steering Committee suggested "that a resolution be passed supporting the Province's proposed change to the Building Codes Act (Bill 103), so as to enable municipal building inspectors to gain entry to dwellings to ensure that zoning and building regulations are being followed. Enforcement of Zoning By-law and Building Code has proved difficult without right of entry, particularly for conversions."

Council should pass both a resolution encouraging the Province to change the Building Code Act, as well as amend the Planning Act to permit entry to check compliance with Zoning By-laws. The previous Government had tabled legislation to allow for such right-of-entry.

Council should also request a meeting with the appropriate Provincial representatives to ensure this matter receives priority consideration. The Law Department anticipates that there may be legal challenges to such legislation.

ii) Certificate of Occupancy

A certificate of occupancy under Section 34(6) of the Planning Act can be used to verify the use of a property. Certificates of occupancy would entail inspections which would uncover illegal units. Costs could be recoverable through fees.

While this would not directly control illegal units it could be used as a mechanism to ensure that conversions meet current building, health and safety regulations. A fee structure and processing mechanism needs to be established.

The Building Department is preparing a report on the costs and benefits of introducing occupancy permits. The report is due to be completed in February 1991, and should consider this mechanism as a means of controlling illegal conversions.

In addition to Certificates of occupancy, the Province is examining opportunities to change the building code to require a building permit when there is a change of "major occupancy". As this may include changing a one family dwelling to a two or three family dwelling. This requirement will permit inspection of the conversion and ensure it meets current code requirements.

iii) Resources for Enforcement

A reorganization of the Building Department occurred in November, 1990. As a result of concerns about illegal conversions and enforcement, a division has been created between inspections and complaints, (i.e. enforcement). A complete working unit is dedicated to complaints under the Zoning By-law, property standards by-law and dirty backyards by-law. Complaints are being followed through more vigorously to court. The reorganization is intended to deal more effectively with enforcement issues.

The Building Department has already changed its enforcement practices. Previously, when an owner was issued an order to comply to the Zoning By-law, no action was taken if application was made to legalize the converted dwelling. Now the owner is forced to comply immediately.

The Building Department is monitoring the effectiveness of new procedures and will report to the Planning and Development Committee on a semi-annual basis. The next report is due in March.

iv) Vacant Units

It is unclear in law whether a vacant dwelling unit can be classified as a housing unit under the Zoning By-law. It is argued that an empty unit does not infringe the Zoning By-law if it is not being used. A landlord could have the unit vacated during enforcement and thus not be contravening the Zoning By-law. This can be a problem if it cannot be demonstrated that the dwelling has been converted.

It is difficult to prove occupancy and landlords have been able to avoid conviction where a unit is vacant. However, the vacant unit can easily be rented once the court case is over. Vacant units are specifically included under the Rental Housing Protection Act as rental units.

For consistency with this Act, the Planning Act should be amended to clearly define "use" to include vacant units. This would resolve this enforcement dilemma.

v) Fines for Contravention of Zoning By-laws

The current maximum fine under the Zoning By-law is \$1,000. This does not act as a deterrent to lawbreakers. However, the Planning Act, 66(1)(a) provides a maximum fine of \$25,000 for an individual and \$50,000 for a corporation for contravention of a zoning by-law.

The Zoning By-law should be amended to make provision for maximum fines for by-law contravention.

vi) Landlords' Responsibility for the Relocation of Tenants from deconverted Illegal Units

The following resolutions were adopted by Council in October, 1990 and have been sent to the Province:

"That the City of Hamilton request the Province of Ontario to amend the appropriate Act or Acts to make provision for the payment of monies by landlords to tenants who are forced to vacate their dwelling unit due to an order from a Municipality, the Ontario Municipal Board or Judicial Body resulting from the landlord's illegal creation of an apartment"; and,

"That the payments recognize the costs incurred by the tenants for relocation and temporary accommodation".

This is consistent with requirements of the Provincial Rental Housing Protection Act.

vii) Notice of Ownership

There were concerns that neighbours often could not contact the owner of a multiple-unit dwelling when problems arose. It has been suggested that absentee landlords be required to post their name (or their agent's) on the property. This could benefit neighbours, tenants, and the landlord by providing a more direct method of resolving issues.

Under the Landlord and Tenant Act, a landlord renting more than one unit in the same building is required to post conspicuously the legal name of the landlord and his address for service. The Act is enforced on a complaint basis by the Province.

viii) Illegal Conversions and Community Participation

Neighbourhood issues have been raised throughout the study and were articulated strongly at the public meetings and in subsequent submissions. Neighbourhood residents are concerned about illegal conversions, absentee landlords, lack of enforcement, property maintenance, parking, traffic, noise and neighbour conflicts.

While the Housing Intensification Study deals with city wide policies and regulations, some of the issues raised by the public can only be dealt with at the grass roots level. A fine grained approach may be necessary to deal with these issues which vary from neighbourhood to neighbourhood or street to street.

It is impossible to determine the number of illegal units without an internal inspection of each dwelling. Further, some of these conversions may be appropriate and should be legalized. However, this can only be done at the neighbourhood scale.

As a mechanism to identify and deal with issues where there are illegal conversions, the Technical Steering Committee suggested that streets or areas which show deterioration due to illegals be the subject of review with the assistance of residents or a neighbourhood association in order to establish a method to deal with problems.

It is apparent from the concerns identified that a multi-faceted approach is needed. Enforcement and illegal units must be addressed prior to creating additional opportunities for conversions.

As a Pilot Project, neighbourhood committees could be set up by Council much in the same way as neighbourhood planning advisory committees are used when preparing a neighbourhood plan. The Building Department would play a key role, and other departments could help the group as necessary.

These neighbourhood planning committees could undertake the following:

- collect information on population, use and condition of dwellings, parking, traffic, yard maintenance and development potential;
- analyze the information collected identifying illegal units, non-assessed units, parking and traffic issues, maintenance concerns and other neighbour concerns;
- assist in the formulation of strategies to deal with neighbourhood issues including:
 - traffic and parking (e.g. stop signs, use of alleyways, front yard parking, boulevard parking, permit parking, creating additional parking space, enforcement, etc.);
 - potential areas for redevelopment, infill and conversions;
 - information dissemination and education;

- addressing illegals; and,
- identify implementing actions, including:
 - targeting key illegal units and dealing with them on an individual basis (e.g. enforcement, tenant relocation, legalization, publicity about improvement programs such as Ontario Home Renewal Program and Convert-to-Rent);
 - targeting key maintenance issues, and dealing with them on an individual basis (e.g. enforcement, discussions between landlords and the neighbourhood group, etc.); and,
 - dealing with neighbour problems (e.g. mediation, discussions between landlords/tenants and the neighbourhood group, referral to Police, Noise Control Officer, Property Standards Officer, etc.).

In this Pilot Project, the committee must be a balanced representation of the neighbourhood and include tenants and landlords, as well as homeowners to encompass all points of view. Committees could work with staff and Aldermen to resolve issues locally and give advice through the Planning and Development Committee in accordance with a Terms of Reference (see Appendix 10).

For the Pilot Project, Provincial funding assistance is needed as soon as possible to facilitate the City in taking action on as many areas as possible, to cover staffing time and project related budget costs. A terms of reference for each group would be established to direct the actions of the committee. Funding for this project could be obtained through a grant under the Ministry of Housing Neighbours Program.

Priority areas appear to be Blakeley/St. Clair and Delta East and West areas, where neighbourhood problems appear the most acute.

Further projects, based on the experience of the pilot projects could be directed to the following neighbourhoods:

- Gibson;
- Stipeley;
- Landsdale; and,
- Crown Point East;

C.3 ABSENTEE LANDLORDS

The third issue identified by the public regarding residential conversion is absentee landlords, which affects neighbourhood stability, property maintenance, and parking issues. Although many absentee landlords own properties which do not create problems, it is less likely that problems will arise when an owner lives on the premises.

Two key elements of an approach dealing with absentee landlords are:

- the notion of owner-occupancy as a condition of residential conversion; and,
- legislative remedy through Provincial leadership.

i) Owner-Occupancy

It has been suggested at the public meetings and in the submissions that an owner occupancy requirement may be a way to reduce these problems. However, the Law Department has advised that under the Planning Act, land use planning controls cannot regulate tenure (i.e. whether housing is owned or rented) but rather, only the actual land use.

Owner-occupancy appears to be the most effective mechanism in addressing the problems associated with absentee landlords. This would also help lower and moderate income households to purchase a home, as well as seniors who can no longer afford to keep their home or need less space. In addition, owners are more likely to be sensitive to the surrounding neighbourhood and preserving its integrity.

ii) Legislative Remedy and Provincial Leadership

Given that:

- tenure and owner-occupancy may have neighbourhood and land use planning impacts; and,
- many municipalities are struggling with residential conversions;

it is imperative that the Province take a leadership role in providing a legislative remedy, by amending the Planning Act to allow owner-occupancy as a condition of residential conversion. This requirement could be administered through the Certificate of Occupancy discussed earlier, or through some other mechanism. It should be noted that this requirement would be consistent with the condition of owner-occupancy associated with housing improvement grants and loans (i.e. Provincial Convert-to-Rent Program), or in the Province's experimental "Granny Flat" Program in Waterloo. Owner occupancy is also a common condition of conversion in the United States.

The only drawback with this requirement would be in cases where the owner-occupant sells the property which may result in the eviction of the tenant if the new owner wishes to occupy the entire house. This is similar to situations under the Landlord and Tenant Act which permits evictions, when the entire house is to be used by the owner.

The Law Department advised such legislative change may be in violation of the Federal Bill of Rights and may be subject to court challenge. However, a recent Supreme Court decision has established that notwithstanding a statutes infringement on personal rights, where the statute has proven to be in the broader community interest, it could withstand a court challenge. It is therefore important that the Province take the lead on this matter.

If the Province is not willing to entertain such a solution, the City may wish to consider not permitting conversion as-of-right anywhere and deal with conversions on an individual basis. Specific criteria could then be established to assist in evaluating the appropriateness of each proposal. However, it should be noted that this approach would contravene the Provincial Policy Statement.

C.4 MINIMUM UNIT SIZE FOR CONVERSIONS

The appropriate size of converted units has been identified by the Technical Steering Committee and the public as an issue. Currently, the Zoning By-law requires a minimum of 65 m² (700 square feet) for a converted unit. The Technical Steering Committee recommended a smaller minimum requirement, in order to provide smaller converted units which are in demand. It should be noted that the Zoning By-law does not establish any minimum size requirement for new construction. Size requirements are governed by the Building Code which also takes into consideration health and safety factors. No technical data has been found that would justify raising Building Code standards for unit sizes.

It should be noted that removal of minimum size requirements is consistent with the Provincial Policy Statement. Affordable housing groups also advocate that the Zoning By-law should not prescribe minimum unit size.

Options for a minimum unit size include the following:

- leave Section 19 of the Zoning By-law requirement of a minimum 65 square metres (700 sq. ft.) for converted units as is;
- change Section 19 as suggested by the Technical Steering Committee to a 65 square metre average with a minimum of 40 square metres (431 sq. ft.).

C.4.1 Status Quo - Minimum of 65 m² (700 sq. ft.)

Maintaining the minimum 65 m² (700 sq. ft.) eliminates the opportunities for creating smaller dwelling units which are growing in demand as a result of demographic changes. Smaller household sizes and growth in single person households usually equate to the need for smaller units.

C.4.2 Average of 65 m² with a Minimum 40 m² (432 sq. ft.)

Requiring an average of 65 m² with a minimum of 40 m² would afford greater flexibility to create smaller units catering to the increasing demands for smaller households, but restricted to larger houses (i.e. 1,400 sq. ft. and over). Input at the public meetings revealed that residents are concerned with lowering the minimum unit size for conversions. Residents feel that smaller units may encourage more transitory occupants with little stake in the neighbourhood. It was also suggested that smaller units would not be appropriate for seniors, who require larger, more accessible units. As an example, the Hamilton-Wentworth Housing Authority has experienced problems with renting bachelorette apartments to seniors.

C.4.3 An Alternative Approach for Unit Size

Given that owner-occupancy is being advocated in this report, as a condition of residential conversion, an alternative approach to unit size is a compromise between the status quo and the need for smaller units. This alternative is based on the notion of having a large principle unit with conversion as the accessory unit(s). Conversion would be achieved by requiring a minimum size for the principle unit of 65 m² (700 sq. ft.) only. The size of the accessory unit would be determined by the minimum standards established in the Building Code. Since:

- the Code is based on health, safety and fire standards;
- the owner-occupancy requirement; and,
- the Certificate of Occupancy which will necessitate the inspection of conversion,

this approach should be accepted. Not only will it encourage more home ownership, but a greater integration of larger and smaller households.

C.5 STANDARDS FOR CONVERSIONS

In addition to concerns about unit size, the following were identified as concerns that could be addressed as standards for conversions:

- separate thermostats;
- hydro service panels;
- upgraded water pipes and service;
- fire safety;
- noise insulation;
- ventilation;
- storm water run-off; and,
- parking.

With regard to these concerns, the Building Department has advised:

i) Separate Thermostats for Each Unit

This is only required if a new heating system is installed. Unless each residential unit has its own separate furnace or heating unit, it is not practical or possible to have separate controls. In most multiple dwellings or converted dwellings, heat is provided by a single or common furnace thus not permitting separate thermostats.

ii) Separate Hydro Service Panels for Each Unit

This is a matter of convenience for tenants residing in each unit. If a tenant trips a breaker on a panel, he may not be able to reset the breaker if it is located in another unit. Separating existing electrical services and providing individual service panels for each unit is not always practical in existing buildings. Those buildings which require a complete upgrading of the electrical system would have separate electrical panels for each unit, subject to the inspection.

iii) Upgraded Water Pipe and Pressure for Multiple-Unit Dwellings

Most existing single family dwellings have a half-inch water service. The Health Department enforces standards respecting minimum water flows at outlets within the building. New buildings now require a 3/4-inch water service to supply water as necessary. The Engineering Department has also advised that conversions do not adversely impact the risk of availability of the water supply, as such upgrading is not necessary.

iv) Fire Equipment and Fire Escapes

The Building and Fire Codes do not permit the installation of fire escapes on new buildings. The location and placement of fire escapes is controlled by the Fire Department under the Ontario Fire Code. Existing buildings may require fire escapes when exit and egress requirements are not satisfactory. The maintenance of all exterior stairs and fire escapes falls under the jurisdiction of the Building Department and is maintained through the Property Standards By-law.

v) Insulation and Noise Barriers Between Dwelling Units

For all new residential buildings, the Building Code prescribes minimum sound transmission ratings for partition walls between dwelling units. With respect to existing buildings, the Building Code requirements do not apply, as the Code recognizes existing walls and systems as acceptable.

vi) Ventilation

Ventilation requirements can be achieved by either natural or mechanical ventilation. Mechanical ventilation can provide optimum performance, however, such equipment may not always be under the total control of each tenant. Natural ventilation is usually provided by way of windows and other openings on doors. However, ventilation could be restricted due to improper operating windows or improper installation. Current ventilation requirements appear appropriate.

vii) Stormwater Runoff

The Regional Engineering Department advises that in older areas, housing intensification does not adversely impact the risk of basement flooding due to stormwater runoff.

viii) Parking

With the increase in conversions, there are concerns about insufficient off-street parking opportunities and with front yard parking which impacts the street through the removal of greenspace and trees.

It is suggested that current parking requirements remain as is in the Zoning By-law (i.e. a minimum of 2 spaces for a duplex and 4 spaces for a triplex) as any further reductions will aggravate current parking conditions.

Where front yard parking is permitted, consideration may be given to limit it to a maximum of 50% of the area for vehicle access, turning and parking thereby minimizing any impact of front yard parking on the appearance of the streetscape. Provisions could be refined and exceptions made where necessary, (e.g. smaller lots). This requirement will also help preserve the existing character of the area.

ix) Conclusion

The requirements for conversion standards are governed by different Provincial and City controls and requirements. New buildings must comply with the Ontario Building Code. However, when existing buildings are renovated, the Building Code allows a lesser degree of compliance. When work is done in accordance with a building permit, proper standards are adhered; this practice should continue.

With respect to existing buildings, minimum maintenance can be achieved through the City's Property Standards By-law. The Property Standards By-law applies to existing buildings to ensure that they are maintained to a minimum level of safety, health, and construction. Any tenant or landlord can lodge a complaint with the municipality to ensure compliance with the Property Standards By-law, Fire Code, or the Health By-law.

From this discussion, it is apparent that tenants in converted buildings cannot always enjoy the same level of comfort as may be attained in new dwellings. However, as the Building Department has advised through application of the Building Code for renovations and compliance with the Property Standards By-law, reasonable living environments can be achieved.

D. OTHER HOUSING INTENSIFICATION ISSUES

In the process of this study it has been noted that there are a number of other related opportunities for increasing the supply of affordable rental accommodation.

These include the following:

D.1 FUNDING/FINANCIAL OPPORTUNITIES

It is suggested that funding/financial measures could be provided for the development of housing intensification initiatives through:

i) PRIDE Funding

Accessing PRIDE Program Funds. Additional funds under the PRIDE program are available for improvements to existing community services and facilities in areas where intensification is to be encouraged. The maximum grant under PRIDE HINT (for Housing Intensification) is \$1,000,000, and as of this writing, \$6,000,000 remain in the Province's program budget.

Money is available for:

- capital costs of building, improving or replacing hard services and utilities, as well as social and recreational facilities;
- aesthetic improvements such as streetscape upgrading, landscaping, and buffers to reduce land use conflicts;
- administration costs; and,

- land and building acquisition, clearance and demolition for eligible PRIDE project components and related relocation costs.

PRIDE HINT funds have been requested from the Province but were not approved for the Beasley/Central neighbourhoods. However, a reapplication for these funds has been initiated.

ii) Other Initiatives

Where appropriate, the following funds should be accessed:

- The Neighbour's Program is a means for encouraging housing intensification initiatives. For example, this program could be used to encourage Barton Street property owners to convert vacant commercial space to residential use. This can be investigated further in the implementation of the Housing Agreement, which encourages the City to access the Neighbours Program. Perhaps this can be used to fund the Pilot Project.
- It has been suggested that a speculation tax be used as a disincentive to property investors only interested in flipping properties for quick profits. Reduced speculation in housing would lower housing costs generally. A speculation tax could also provide funds for creating affordable housing. The Provincial Government has discussed the possibility of introducing a speculation tax. Accordingly, the City should await a review by the Province.

D.2 THE VICTORIAN ORDER OF NURSES HOME SHARING PROGRAM

Established in April, 1989 with joint funding from the Region (25%) and the Ministry of Housing (75%), this program provides a screening and matching service for those interested in sharing accommodation. This is a mutually beneficial living arrangement where two or more unrelated persons share a single family dwelling or an apartment owned or rented by one of them.

Homeshare is a relatively inexpensive way of reducing the need for additional units.

D.3 INNOVATIVE HOUSING OPPORTUNITIES

The Hamilton and District Home Builders' Association should continue to be encouraged to consider innovative housing design and layout such as the CHARLIE House, which allows for the future conversion of a single family dwelling to a 2 family dwelling.

D.4 RENT REVIEW LEGISLATION

Rent Review has been cited as one of the most significant obstacles of getting the private sector back in the business of building rental housing. Since 1975 the Province of Ontario has maintained some form of rent regulation. Over the past fifteen years, the structure of rent regulation and its implementation has changed many times. As part of the Government's efforts of developing a new comprehensive housing strategy and reviewing current Rent Review legislation, the Province is encouraged to evaluate

the adverse effect on the supply of private rental housing and develop appropriate incentives to attract the private sector back into the rental housing market.

D.5 NON-PROFIT HOUSING SUPPLY PROGRAMS

Since 1973 when amendments to the National Housing Act allowed non-profit and co-operative organizations to easily develop housing projects, non-profit and co-operative housing have accounted for a small but important segment of total new housing production in Ontario.

With an increase in Provincial unit allocations reflecting the true extent of housing need in the community, Hamilton will be in a position to experience solid gains in providing a variety of housing choices for its residents.

Increases in the supply of affordable housing for low income groups can only be achieved through ongoing government subsidies. It should be recognized that the private sector cannot meet the demands for low-income housing, even through housing intensification. It is only through a new non-profit/co-op supply program that there will be an increase in affordable housing in Hamilton. Therefore, the Province is encouraged to increase its allocation for non-profit/co-op housing to the City.

3.0 A STRATEGY FOR THE PROVISION OF HOUSING INTENSIFICATION OPPORTUNITIES:

The Provincial Policy Statement on Land Use Planning for Housing recognizes housing intensification as one of a number of methods of addressing the affordable housing issue. There are social benefits of providing a choice in housing, particularly affordable housing. There are property right benefits, allowing more flexibility and freedom for the dwelling owner. In the next 10 to 20 years housing intensification through redevelopment, infill and conversions may become the primary method of providing new housing as the supply of vacant residential land in the City will be exhausted.

Based on the foregoing discussions on issues and options, the Planning and Development Department has concluded that the most effective way to realize housing opportunities through housing intensification is through a multi-faceted strategy.

This strategy must be based on local needs and requirements. Changes to Provincial Acts, local policies and regulations and other related initiatives are needed for housing intensification to work effectively in the City.

Such a strategy needs to be sensitive to sustaining neighbourhoods. For example, the older areas of the lower city contain beautiful treed streets and a rich variety of architecture. They are a valuable resource in terms of a variety of accommodation, encouraging business to invest and providing a good quality of life. The strategy being recommended consists of the following elements:

A. ENFORCEMENT OF ILLEGAL UNITS AND COMMUNITY PARTICIPATION

- A.1 That the Province be requested to undertake changes to the Building Code Act (Bill 103) and the Planning Act to enable municipal building inspectors to gain entry into dwellings to ensure that zoning and building regulations are being followed.
- A.2 That the Building Department be requested to:
 - i) examine opportunities for a Certificate of Occupancy process for converted units, including an appropriate fee structure to cover the administrative costs;
 - ii) continue with its vigorous enforcement of Zoning, Property Standards and Dirty Backyard By-laws, including court actions, on a complaint basis; and,
 - iii) monitor complaints and report the success of its actions to Planning and Development Committee on a regular basis.
- A.3 That the Zoning By-law be amended to provide a maximum fine of \$25,000 for an individual and \$50,000 for a corporation for contravention of a zoning by-law, as permissible under the Planning Act.
- A.4 That the Province be requested to amend the Planning Act to clearly define "use" to include vacant units.

- A.5 That the Province be requested to fund a Pilot Project in Hamilton to deal with the issues associated with residential conversions on a neighbourhood basis as contained in the proposed Terms of Reference (Appendix 10).
- A.6 That consideration be given to assist displaced tenants as a result of deconversions in locating suitable alternative accommodations.

B. RESIDENTIAL CONVERSIONS

- B.1 That the Province be requested to enact special legislation that will permit Zoning By-laws to regulate owner-occupancy in converted units.
- B.2 That provided this legislation is enacted, the Zoning By-law be amended to:
 - i) permit one accessory apartment as-of-right in all existing single family dwellings in B, B-1, B-2, C and AA Districts and a maximum of two accessory units in all dwellings in the "D" and "DE" districts, provided the dwelling is a minimum of 20 years of age;
 - ii) require at least one unit of the converted dwelling to be a minimum of 65 m² (700 square feet); and,
 - iii) require that front yards have a maximum area of 50% for vehicle access, turning and parking, to protect the appearance of the street.
- B.3 Should this Provincial legislation not be enacted, consideration may be given to require each residential conversion to be assessed on an individual basis through Zoning Applications, subject to the requirements of B.2 and that the Zoning By-law be amended to remove-as-of-right zoning in area where it is presently permitted.

C. REDEVELOPMENT, INFILL AND NON-RESIDENTIAL CONVERSIONS

- C.1 That the Zoning By-law requirement in Section 14 for the "H" classification be amended to allow conversions of up to 10 units providing the building existed prior to March 8, 1983 and as long as the ground floor frontage remains in commercial use and is subject to parking requirements.
- C.2 That the Barton Street Commercial Strip be targeted as a special area for conversion and that the following initiatives be developed as part of the implementation of the Provincial Housing Policy Statement:
 - i) appropriate Official Plan policies be developed to encourage conversions of underutilized commercial space to residential use; and,
 - ii) a program be developed by the Barton General B.I.A., Building Department and Planning and Development Department to encourage conversions.
- C.3 That Council continue to encourage proposals for residential infilling, redevelopment and conversions of non-residential buildings, where appropriate. Further, Official Plan policies encouraging these activities will be developed as part of the implementation of the Provincial Housing Policy Statement.

- C.4 That an inventory of suitable sites for infilling, redevelopment and conversion of non-residential buildings be developed in conjunction with the work of the Regional Planning Branch.

D. OTHER INITIATIVES

- D.1 That the Planning and Development Department examine other mechanisms for the provision of affordable rental housing through the Municipal Housing Statement Update and the Provincial Housing Policy Statement Implementation Study.
- D.2 That the Zoning By-law be amended to create a new Zoning district, where conversions are permitted for all dwellings, regardless of age to be used in new areas upon the request of developers, and designated in the Neighbourhood Plans.
- D.3 That the Neighbourhood Planning process review the following:
- the designation of areas where conversions can occur, regardless of the age of dwellings; and,
 - areas in which mixed residential/commercial uses are encouraged.
- D.4 That the Region be requested to encourage Area Municipalities to take a fair share of the demands for housing intensification, and the Region include such policies in their Official Plan.
- D.5 That the Province be encouraged to increase its allocation of non-profit and co-op units to the City of Hamilton.

E. CONCLUSION

From the range of issues raised and analysis of alternatives, it is apparent there are no easy solutions to questions respecting housing intensification. What this report attempts to provide is an approach that blends existing policies, regulations and procedures, together with the need for legislative changes and provincial co-operation in the testing of a strategy through a model demonstration program.

Given that the strategy advocated above is significantly different from the draft options that were presented at two public meetings last year, it is suggested that an additional public meeting be held to discuss this approach.

BJ/dkp

A:\HOUS-INT.REP

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5. *RESIDENTIAL INTENSIFICATION*

5.1 All municipalities and planning boards identify opportunities to increase the supply of housing through better use of existing resources, buildings or serviced sites to meet changing demographic trends and housing demands, and adopt a strategy to make use of those opportunities, by:

- a. designating areas in the official plan where each form of Residential Intensification will be permitted;

These uses are to be permitted in areas which meet the following criteria:

- i. the physical potential of the existing building stock or previously developed sites can accommodate the identified forms of Residential Intensification;
 - ii. the existing services can support new households in the affected area; and,
 - iii. the potential demand for these forms of accommodation, based on the housing needs of the composition of households in the broader community, in relation to the typical characteristics of units which could be produced through the various forms of Residential Intensification, can be demonstrated.
- b. including zoning provisions to permit rooming, boarding and lodging houses, and Accessory Apartments as-of-right where they are permitted uses in the official plan;
- c. adopting policies and development standards for New Residential Development so that alterations to create additional units in new building stock can take place in the future, as needs change within those communities, in keeping with the principles identified in 5.1.a.

FOR ACTION

24.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

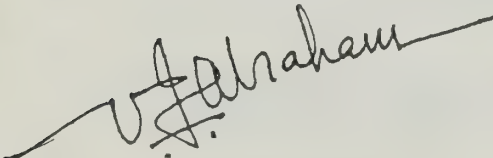
DATE: 1988 July 5
COMM FILE:
DEPT. FILE: P5-4-2-18

SUBJECT:

Housing Intensification Study
Terms of Reference

RECOMMENDATION

That a request be made to the Ministries of Housing and Municipal Affairs to fund a housing intensification study for the City of Hamilton in accordance with the attached terms of reference.


V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- o Housing intensification involves adding more housing units and consequently allowing more people in existing neighbourhoods. Intensification can take place through redevelopment at higher densities, infilling between buildings and conversion of buildings either from another use or by subdivision.
- o The affordable housing issue has been high on the public's agenda for many years. The public sector has taken a number of initiatives such as funding for non-profit housing, tax breaks for new homeowners, rent control and rent review. The economic success of Southern Ontario in recent years has accentuated the housing affordability issue. Housing affordability is the Province's top priority issue.

- o The Province is seeking further ways of making housing more affordable. One initiative involves the development of a grant program to encourage municipalities to study housing intensification. Intensification initiatives create the potential for more affordable units. Two funding mechanisms are available for studies. Firstly, the Ministry of Housing provides a 100% grant of up to \$12,000 for a needs assessment as a component of the Municipal Housing Statement. Secondly, the Ministry of Municipal Affairs provides a Community Study Planning grant of up to \$50,000 at a rate of 75% of the cost of the planning study.
- o The City has already carried out or is currently carrying out studies relating to housing intensification.
 - 1) The update of the Municipal Housing Statement, started at the beginning of 1988 and is scheduled to finish early in 1989. The study is examining the various housing needs of the City including social housing and the needs of the disabled.
 - 2) The high density residential study started in Spring 1987 and is being finalized. The study examined how higher densities could be introduced into the central area of the City whilst being compatible with the existing urban fabric. A number of important housing intensification recommendations were made including some recommendations for matters to be included in the proposed study. (See Agenda item on High Density Residential Study).
 - 3) The Central Business District Study is due to start this summer and will finish at the end of 1989. This will include examination of ways of increasing residential development in the downtown area.
 - 4) The Townhouse Study, which started at the end of 1987, is due to be finished in September. It will look at aspects of townhousing and make recommendations about their future distribution.
 - 5) A study of Student Housing was carried out by a Task Force, starting in summer, 1987 and has recently been completed. Some issues raised concern housing intensification and have been referred to this study.

Two other projects by the Social Planning and Research Council are also relevant.

- 1) The Social Housing Impact Study which documents attitudes to social housing both of those who live in the housing and those who live around the housing. This was completed in March 1988.
- 2) The Social Housing Information and Awareness Campaign is starting this summer under the auspices of the Social Housing Action Committee which is a sub-committee of the Social Planning and Research Council. The initial stage will be completed by the end of the year.

ANALYSIS

The City of Hamilton has experienced significant increases in housing costs and a consequent concern about affordability. There are over 1000 households on the Hamilton-Wentworth Housing waiting list. Housing affordability is a key component of quality of life for the citizens of Hamilton. Housing affordability has been recognized as an important contribution to economic growth of the Region. Housing affordability has a significant impact on Government expenditures. Housing intensification offers a possible avenue of easing the current affordability situation.

Over the last decade or so a deintensification trend has been taking place in Hamilton. There are less units and less people living in most neighbourhoods. There appears to be the potential for housing intensification. However, housing intensification must be carefully considered as there are a number of effects. Housing intensification can provide the following advantages:

- o more cost effective provision of public services. For example, money can be saved by local government on new trunk sewers, new schools, parks, fire stations, transportation and libraries;
- o more customers are available for local businesses and a greater level of service can be conveniently provided in the local area;
- o property owners have more options. House owners can adapt their buildings to changing circumstances;
- o neighbourhood assessment is increased; and,
- o more affordable housing can be provided.

Housing intensification can also create disadvantages:

- o a change in appearance of the neighbourhood;
- o more demand for public services e.g. - sewers, schools, etc.;
- o a more crowded neighbourhood;
- o more traffic congestion on the street and a potential adverse parking situation; and,
- o a resistance among residents to a different type of people moving into the neighbourhood.

Factors influencing housing intensification are contained in Official Plans, other policy documents such as neighbourhood plans and controls, particularly the zoning by-law. Policies need updating to reflect the current situation and can be developed as part of a housing intensification study. General

zoning provisions for housing as well as specific categories of zoning need to be reviewed. Other initiatives could be the introduction of new forms of housing such as granny flats, demonstration projects for higher densities single housing, conversion advice centre, education and awareness programs, etc.

CONCLUSION

A housing intensification study could help the City achieve social and economic objectives. Generous funding is available from the Province. However, any study must be tailored to Hamilton's existing situation. The outcome of the study must take into account Hamilton's characteristics and views of the public.

A request to the Province for funding for a housing intensification study should be made in accordance with the attached terms of reference.

DG:dkp/cs

WP 0021P

Housing Intensification Study

Terms of Reference

1. INTRODUCTION

The terms of reference form part of a proposal to the Ministries of Housing and Municipal Affairs for a grant application. The terms of reference cover:

- Objectives of the Study;
- Study Approach;
- Public Participation and Technical Support; and,
- Study Timing and costs.

A background report addressed to the Planning and Development Committee is contained in Appendix A.

2. OBJECTIVES OF THE STUDY

- to provide background information and analysis on housing intensification as a basis for developing strategies;
- to determine the appropriateness of housing intensification;
- to develop a series of strategies for housing intensification as a basis for appropriate recommendations; and,
- to implement housing intensification strategies where appropriate.

3. STUDY APPROACH

The study will be undertaken in the following phases:

Phase 1 (BACKGROUND) will record current trends relating to housing intensification, needs and demands, existing planning policies and controls both in the City and other municipalities, and examine current housing intensification initiatives.

Phase 2 (ANALYSIS) will analyse the material from the background phase to establish the potential and constraints for housing intensification.

Phase 3 (STRATEGIES) will develop a series of appropriate strategies for housing intensification by examining options and impacts.

Phase 4 (IMPLEMENTATION) will deal with implementation of the strategies.

PHASE 1 (BACKGROUND)

- affordability trends including price of housing, rentals, mortgage rates, incomes and cost of living indexes. Sources: Stats Canada, CMHC, Real Estate Board.
- review trends in household make-up and formation. Source: 1988 Assessment.
- losses and gains in residential stock through intensification and deintensification by neighbourhood. Source: 1988 Assessment.
- review household projections and current demand for types of dwelling produced through intensification. Source: Municipal Housing Statement Survey and Regional population and household projections.
- review current policies affecting housing intensification in the Official Plan, Neighbourhood Plans and other policy documents.
- review zoning by-law as it relates to housing intensification including site specific amendments and variances, conversions, low and medium density zoning, strip and suburban commercial parking.
- review current regulations affecting intensification e.g. - Building Code.
- review current programs related to intensification.
- review current and recent studies mentioned in Appendix "A" and their findings and status.
- review related literature including Affordable Home Ownership Charrette by the Toronto Home Builders Association, In Your Neighbourhood, by Lewinburg Consultants, Housing Intensification report No. 4 by the Metro Toronto Planning Department and Parking and Accessory Apartments by Marshall Macklin, Monaghan Provincial Guidelines on Housing Intensification and other relevant publications.
- review policies and controls in other municipalities.
- meet with Ministry officials and others involved in housing intensification to record current ideas and initiatives.

PHASE 2 (ANALYSIS)

- analyze policies and controls in other municipalities.
- analyse the existing affordability situation in relationship to the past.

- analyse the existing potential for housing intensification using the projected demand from changes in household nature and projected supply.
- analyse the current policies and whether they address present housing intensification needs.
- analyse the impediments to housing intensification in the control mechanisms including zoning by-law, building code, other regulations.
- analyse the applicability of various initiatives and ideas to Hamilton.
- analyse the need to implement current strategies.

A background document will be prepared to cover background and analysis.

PHASE 3 (ISSUES AND STRATEGIES)

- identify issues around parking, traffic, overcrowding, impacts on streetscape, social aspects, impact on services, maintenance value, etc.
- develop strategy options using background and analysis.
- assess impact of various strategy options.
- recommend appropriate strategies and identify implementing groups.
- meetings with key groups and agencies will be held. A workshop and public meeting will be held. Outstanding issues will be resolved.

PHASE 4 (IMPLEMENTATION)

- carry out the necessary strategies. For example - policy changes, changes to the zoning on a general or areawide basis, educational initiatives, home sharing demonstration projects, etc.
- a public meeting of the Planning and Development Committee will be held. Council will endorse appropriate proposals.

PUBLIC PARTICIPATION AND TECHNICAL SUPPORT

The study will be undertaken by the Hamilton-Wentworth Region Planning and Development Department who advise the City of Hamilton on planning matters. Part of the study will be funded (about \$20,000) by the City through their annual planning budget. The remaining part will be funded through a \$12,000 grant from the Ministry of Housing and about a \$50,000 grant from the Ministry of Municipal Affairs. City money will be used to provide allocations for in-house staff and administrative services. The Manager of the Neighbourhood Section will co-ordinate the study. The Director of Local Planning and the Managers of the Development and Policies Sections will participate throughout the study.

Ministry money will be used to hire planning staff to carry out the work and to produce publications.

A technical steering committee will be set up and include:

- a representative from the Ministry of Housing;
- a representative from the Ministry of Municipal Affairs;
- a representative from the Region of Hamilton-Wentworth Planning and Development Department;
- a representative from the Region of Hamilton-Wentworth Housing Policy Group;
- a representative from the Community Development Department;
- Director of Local Planning; and,
- a representative from the Social Planning Council.

The Steering Committee will meet approximately 10 times during the study.

The Traffic, Building and other Departments will be invited when appropriate. The study will include meetings with key groups and agencies throughout the process. Interested groups will be kept informed through notices, minutes and information packages. The study will also include a workshop and public meeting during Phase 3 to refine strategies. Workshop participants will include politicians and representatives from the concerned groups:

- Hamilton Real Estate Board;
- Chamber of Commerce;
- Central Area Plan Implementation Committee;
- Hamilton and District Home Builders Association;
- Neighbourhood Associations.
- Social Housing Action Committee (a sub-committee of the Social Planning and Research Council concerned with affordable housing)

DG/dkp/cs

WP 0021P

HOUSING INTENSIFICATION STUDY

Staffing and Costs

Phase 1	BACKGROUND	Days	Cost \$
	Director	2	600
	Manager	5	1,190
	Planner 1	10	1,890
	Planner 3	60	9,240
	Student	<u>60</u>	<u>8,100</u>
		137	21,020
Phase 2	ANALYSIS		
	Director	2	600
	Manager	10	2,380
	Planner 1	25	4,725
	Planner 3	<u>25</u>	<u>3,850</u>
		97	11,555
Phase 3	STRATEGIES		
	Director	3	900
	Manager	15	3,570
	Planner 1	40	7,560
	Planner 3	<u>40</u>	<u>6,120</u>
		98	18,150
Phase 4	IMPLEMENTATION		
	Director	3	900
	Manager	10	2,380
	Planner 1	50	9,450
	Planner 3	<u>50</u>	<u>7,700</u>
		113	20,430
		<u>445</u>	<u>71,155</u>
Cartographic/Technical Support			5,000
Printing/Secretarial/Administration			<u>7,000</u>
			<u>\$12,000</u>
TOTAL			<u>\$83,155</u>

HOUSING INTENSIFICATION STUDYCHRONOLOGY OF EVENTS

1. July 26, 1988 Council resolution that a request be made to the Ministries of Housing and Municipal Affairs to fund a housing intensification study for the City of Hamilton in accordance with the Terms of Reference.
2. January 23, 1989 Housing Intensification Study Grant approved by the Ministry of Housing.
3. February 6, 1989 First Technical Steering Committee Meeting.
4. February 17, 1989 Survey of other municipalities' policies and regulations on Residential intensification sent out.
5. March 16, 1989 Second Technical Steering Committee Meeting.
6. April 20, 1989 Third Technical Steering Committee Meeting.
7. May 10, 1989 Planning and Development Committee authorized the circulation of a Housing Intensification Neighbourhood Survey.
8. June 22, 1989 Fourth Technical Steering Committee Meeting.
9. June 28, 1989 Neighbourhood survey mailed to approximately 1,600 single and two-family residences in the Beasley/Central, Homeside and Bruleville neighbourhoods.
10. September 7, 1989 Fifth Technical Steering Committee Meeting.
11. October 12, 1989 Sixth Technical Steering Committee Meeting.
12. November 15, 1989 Seventh Technical Steering Committee Meeting.
13. December, 1989 Housing Intensification Study - Study Background Report published.
14. December 14, 1989 Housing Intensification Workshop held to discuss various strategies for housing intensification.
15. February 12, 1990 Eighth Technical Steering Committee Meeting.

16. March 1990 Housing Intensification Study - Survey and Analysis Report published.
17. March 9, 1990 Ninth Technical Steering Committee Meeting.
18. March to November 1990 Submissions received from the public by the Planning and Development Department.
19. May 23, 1990 The Planning and Development Committee authorized public meetings to discuss housing intensification.
20. June 20, 1990 Notice of Public Meetings authorized by the Planning and Development Committee to discuss Housing Intensification mailed to Housing Intensification Study Mailing List.
21. July 5, 1990 First notice of Public Meeting appeared in the Hamilton Spectator.
22. July 10, 1990 Second notice of Public Meeting appeared in the Hamilton Spectator.
23. July 11, 1990 First public meeting authorized by the Planning and Development Committee held in Council Chambers to present Housing Intensification Study Draft Options. About 400 people attended.
24. August 21, 1990 Notice of second public meeting mailed to everyone on the Housing Intensification Study Mailing List.
25. September 4, 1990 First notice of second public meeting appeared in the Hamilton Spectator.
26. September 11, 1990 Second notice of second public meeting appeared in the Hamilton Spectator.
27. September 12, 1990 Second public meeting authorized by the Planning and Development Committee held at Hamilton Convention Centre to present Housing Intensification Study Draft Options. Over 600 people were in attendance.

SUBMISSIONS LIST

APPENDIX 4

David Benallick
240 Park Row South
Hamilton, Ontario
L8K 2K5

Gary and Maureen Blake
81 Blake Street
Hamilton, Ontario
L8M 2S7

Mrs. J. E. Blakeman
21 Crosthwaite Ave. North
Hamilton, Ontario
L8H 4V1

Mr. and Mrs. S. Bowles
31 Barons Ave. North
Hamilton, Ontario
L8H 5A3

Ian Branston
296 Huxley Avenue South
Hamilton, Ontario
L8K 2R4

Lois Brown
206 Maplewood Ave.
Hamilton, Ontario
L8M 1X8

Mrs. M. Buntain
37 Barons Ave. North
Hamilton, Ontario
L8H 5A3

Eric Campbell
274 Robert Street
Hamilton, Ontario
L8L 2Z2

Heather A. Chisholm-Pace
38 Fairleigh Ave. S.
Hamilton, Ontario
L8M 2K2

Mrs. Joan Coulthard
88 Gage Ave. S.
Hamilton, Ontario
L8M 3C9

Mrs. Stella Craig
89 Houghton Ave. South
Hamilton, Ontario
L8K 2M9

Evelyn Fitzsimons
63 London Street South
Hamilton, Ontario
L8K 2G4

Charles H. Forsyth
200 Main Street East
Hamilton, Ontario
L8N 1H3

Michaelene and Helen Galan
78 Gage Ave. South
Hamilton, Ontario
L8M 3C9

Carmen Galbraith
165 Balsam Ave. S.
Hamilton, Ontario
L8M 3B7

H. Greaves
30 Barons Ave. South
Hamilton, Ontario
L8K 2Y2

Neil and Kathleen Hagan
123 Maplewood Ave.
Hamilton, Ontario
L8M 1X1

Hamilton and District Home
Builders' Assoc.
1112 Rymal Road East
Hannon P. O. Box 188
Hamilton, Ontario
L0R 1P0

Mr. and Mrs. E. Hmiel
50 Erie Ave.
Hamilton, Ontario
L8N 2W6

Richard Hogg
91 Cope Street
Hamilton, Ontario
L8H 5B1

Housing Help Centre
135 Rebecca Street
Hamilton, Ontario
L8R 1B9

Kathleen Kennedy
28 Hilda Ave.
Hamilton, Ontario
L8M 3E6

Landlords of Ward 3

Murray R. Lawrence
16 Avalon Place
Hamilton, Ontario
L8M 1R3

Mrs. Elena Lazar
77 Barnesdale Blvd.
Hamilton, Ontario
L8M 2V5

Mr. and Mrs. B. Levey
36 Barons Ave. North
Hamilton, Ontario
L8H 5A2

Mrs. M. MacDougall
4 Grant Ave.
Hamilton, Ontario
L8N 2X7

Don Marranca
27 Province Street South
Hamilton, Ontario
L8K 2K7

E. and H. Marshall
210 Maplewood Ave.
Hamilton, Ontario
L8M 1X8

Miss B. McAllister
219 Maplewood Ave.
Hamilton, Ontario
L8M 1X9

Mr. and Mrs. G. McIntyre
33 Barons Ave. North
Hamilton, Ontario
L8H 5A3

Brian and Gail McKeegan
151 Province Street South
Hamilton, Ontario
L8K 2L2

Sarah Kimball
McMaster Students Union
Hamilton Hall
McMaster University
Hamilton, Ontario
L8S 4K1

L. Miller
60 Fairleigh Ave. North
Hamilton, Ontario
L8L 6H2

Warren and Joyce Mills
117 St. Clair Ave.
Hamilton, Ontario
L8M 2N8

Mrs. H. P. Morski
168 Wentworth St. South
Hamilton, Ontario
L8N 2Z2

John Nixon
20 Province Street South
Hamilton, Ontario
L8K 2K6

R. D. Owen
135 Balsam Ave. S.
Hamilton, Ontario
L8M 3B6

Les Petford
151 Graham Ave. South
Hamilton, Ontario
L8K 2M5

Joseph Rapsavage
52 Proctor Blvd.
Hamilton, Ontario
L8M 2M4

Residents of Cedar Avenue
c/o Frank and Alice Higgins
32 Cedar Ave.
Hamilton, Ontario
L8M 3A5

Residents of Province Street

Mrs. Marjorie Rossi
85 Gage Ave. South
Hamilton, Ontario
L8M 3C8

G. and J. Rutten
62 Fairleigh Ave. South
Hamilton, Ontario
L8M 2K2

Mrs. Anna Schneider
and Ms. Mary Schneider
41 Fairleigh Ave. North
Hamilton, Ontario
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Mr. and Mrs. Schriener
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Pearse and Molly Shannon
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Jean Simpson
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Social Planning and Research Council
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L8P 3A4

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Margaret Thomson
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L8N 2X2

Mrs. Susan Tyo
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Hamilton, Ontario
L8H 4L3

Cliff and Ruth Vanderveen
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Hamilton, Ontario
L8K 2L6

Mr. and Mrs. E. Veenstra
164 Wentworth Street South
Hamilton, Ontario
L8N 2Z2

Victoria Order of Nurses
R. Grant
414 Victoria Ave. North
Hamilton, Ontario
L8L 5G8

Kathy Vogel
110 Sanford Ave. South
Hamilton, Ontario
L8M 2G8

Ward 4 - Committee of Concerned Citizens
c/o Barbara Marshall
257 Graham Avenue South
Hamilton, Ontario
L8K 2M7

Mrs. Stephanie Wylie
69 Crosthwaite Ave. North
Hamilton, Ontario
L8H 4V3

HOUSING INTENSIFICATION STUDY

SUMMARY OF SUBMISSIONS

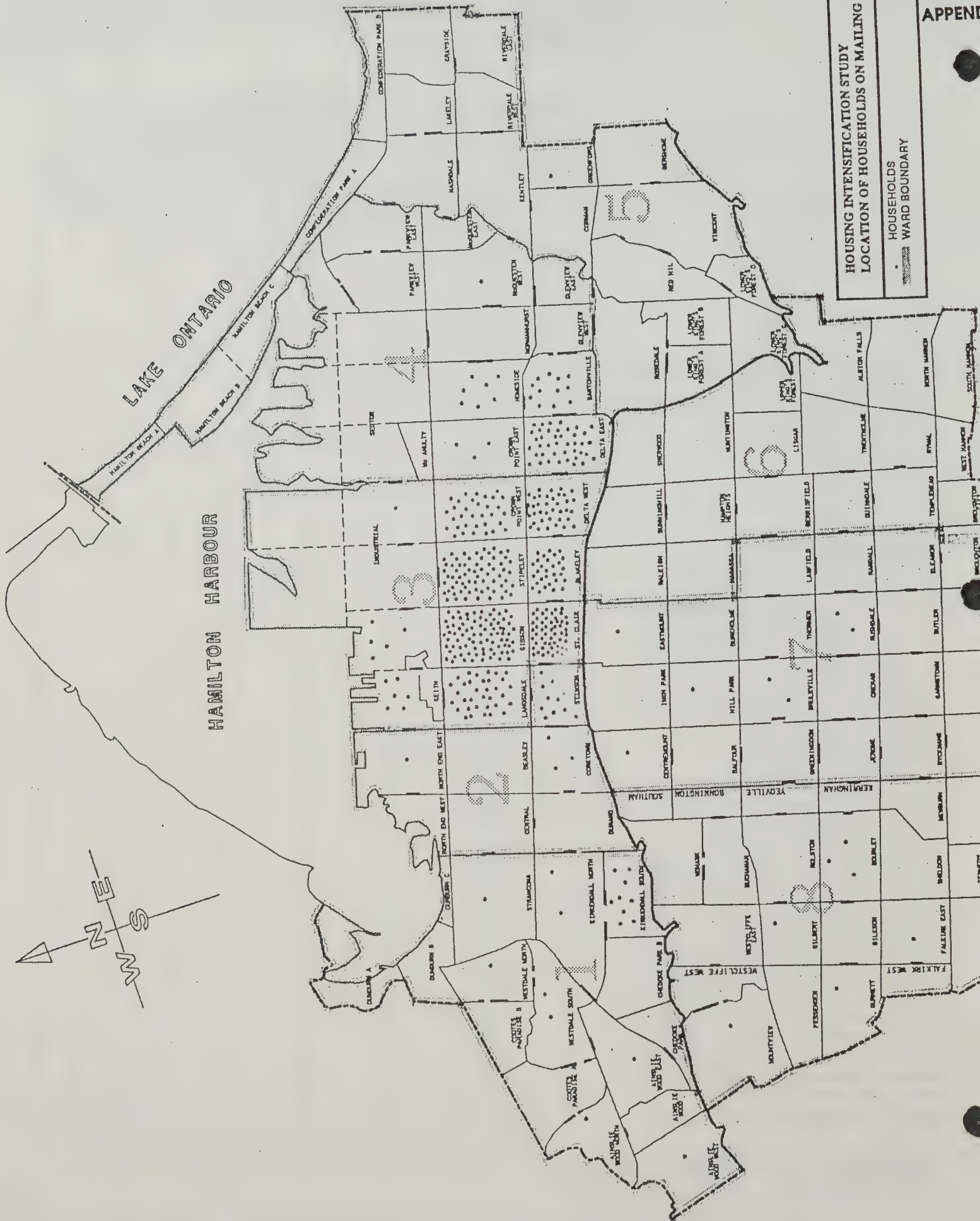
October, 1990

CONCERN / ISSUE / IDEA	SUBMISSIONS		KEY SUBMISSIONS					
	# of comments (of 60 total)	% of total	Citizens for Ward 3	Committee of Concerned Citizens- Ward 4	Wentworth Stinson Group	Landlords of Ward 3	Housing Help Centre	Social Planning & Research Council
Too many (illegal) conversions	38	63%	X	X	X			
Parking	36	60%	X	X	X	X	X	X
Lack of enforcement of City by-laws	30	50%	X	X	X		X	X
Absentee landlords	28	47%	X	X				
Noise	26	43%						
Garbage / Property maintenance	24	40%	X	X				
Traffic	22	37%			X			
Tenants do not care about neighbourhood	18	30%						
Minimum unit size should not decrease to 40m2 (431 sq.ft)	18	30%	X	X				
Increase in crime and vandalism	17	28%	X					
Loss of trees and greenspace (esp. to front lawn pkg.)	16	27%	X		X		X	
Should remove pre-1940 age requirement	16	27%	X	X	X	X **	X	
Safety (especially fire)	14	23%	X	X		X		
Facades / Appearance	14	23%	X				X	
Conversions do not create affordable housing	14	23%	X	X	X			X***
Overcrowding / Loss of privacy	12	20%	X				X	
Strain on infrastructure	10	17%	X	X				X
Community participation needed	10	17%	X			X	X	X
Taxes should increase for converted dwellings	9	15%	X	X				
Moratorium required on pre-1940 homes	6	10%	X	X				
Loss of single family homes / loss of housing mix	5	8%	X		X			
Loss of playing space for children (inside and out)	5	8%	X					
Converted units require separate & adequate utilities	5	8%	X			X		
Need inventory of conversion, infill, & redev't potential	5	8%	X	X				
Supports innovative housing	5	8%	X				X	
More conversion of comm. space & resid'l above comm.	5	8%				X	X***	X
Survey was not representative of the City	4	7%	X	X				
Conversions lower property values	3	5%						
Better chance for home ownership	3	5%				X		
Equal intensification over entire Region	3	5%					X	
Closing down illegals would put many out of a home	3	5%						X
Proper ventilation needed in all units	2	3%	X			X		
Arterial roads best suited for high density	2	3%				X		
Owner occupancy should be condition of conversion	2	3%						
Supports financial incentives for affordable intensification	2	3%					X	X
Against cash-in-lieu of affordable housing	1	2%		X				
Smaller apartments are needed	1	2%				X		
Increasing taxes would increase rents	1	2%				X		
Increase in house prices because of conversions	1	2%	X					
Need amnesty for all landlords of illegal conversions	1	2%				X		
Supports cash-in-lieu of affordable housing	1	2%					X	
Suggests a demonstration project for intensification	1	2%					X	
Public education program needed	1	2%						X
Suggests limits to conversion density per neighbourhood	1	2%						X
Remove age restriction for front yard parking (1971)	1	2%						X
Should be no minimum unit size	1	2%						X
Suggests site office for planning and building staff	1	2%						

* Suggests that minimum unit size be 50m2

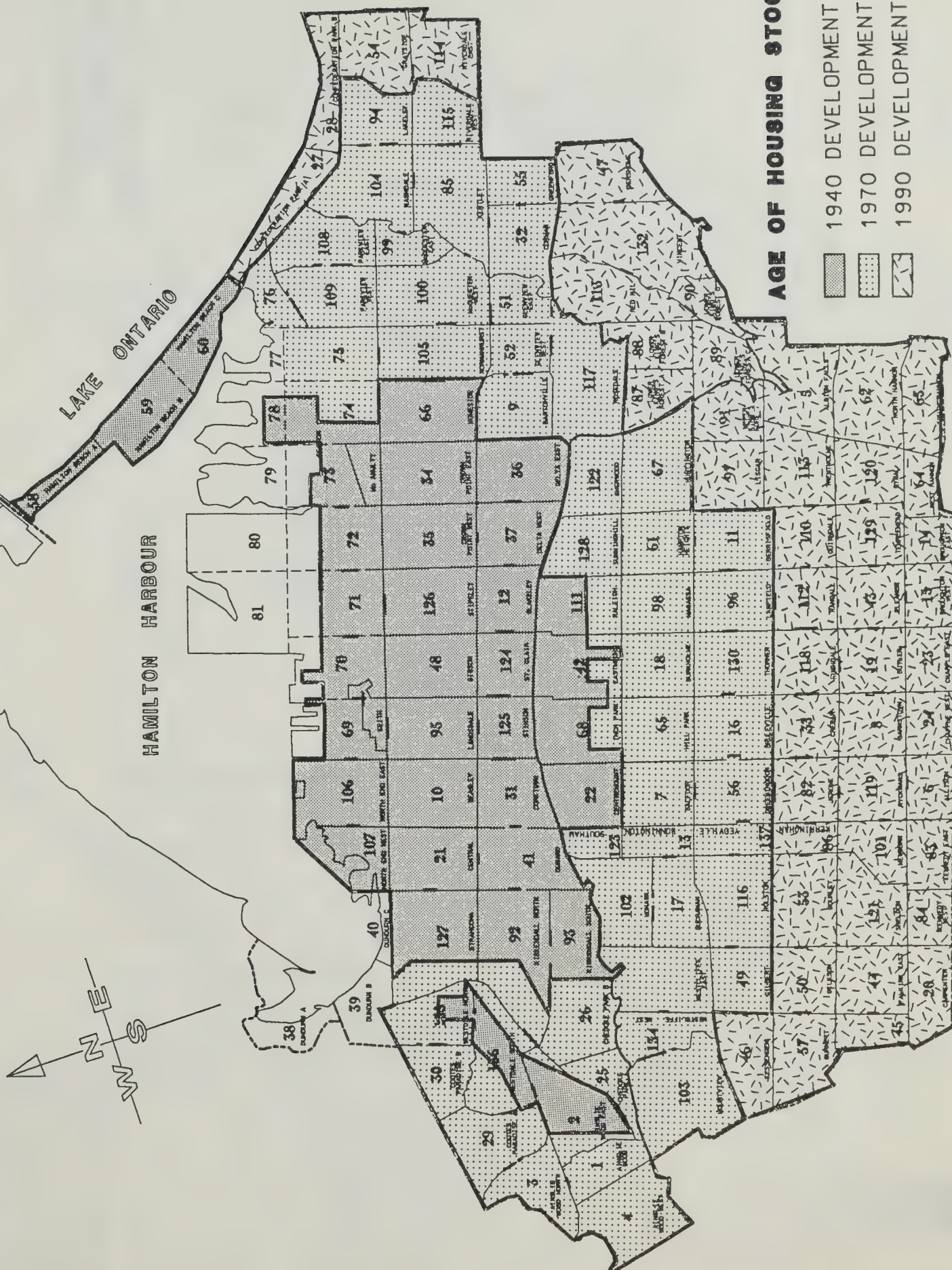
** Suggests that age requirement be extended in 5 year intervals

*** Should ensure affordability

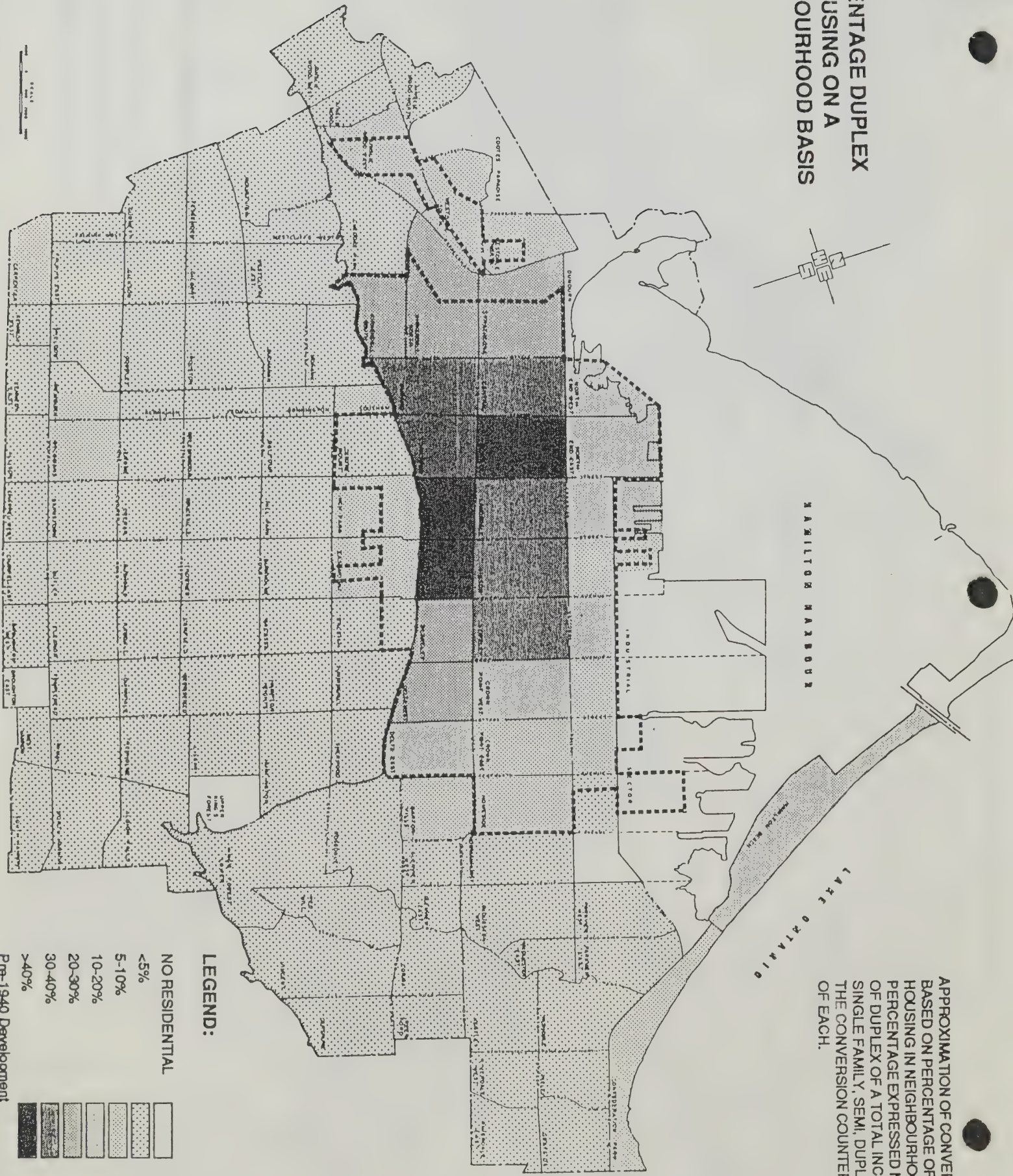


AGE OF HOUSING STOCK

- 1940 DEVELOPMENT
- 1970 DEVELOPMENT
- 1990 DEVELOPMENT



PERCENTAGE DUPLEX
HOUSING ON A
NEIGHBOURHOOD BASIS



**SUPPLY AND DEMAND:
RESIDENTIAL CONVERSIONS IN HAMILTON**

DEMAND

	Single-detached	Rowhouse	Apt/Plex	Total
# units needed to 1995*	2064	636	1986	4686
# units needed per year	344	106	331	781
% of total need	44%	14%	42%	100%

SUPPLY

Total # post 1940 singles & semis > 1400sq.ft**	# expected conversions over 5 years (at 6%***)	# expected annual conversions	# of apt/plexes needed per year
9525	572	114	331

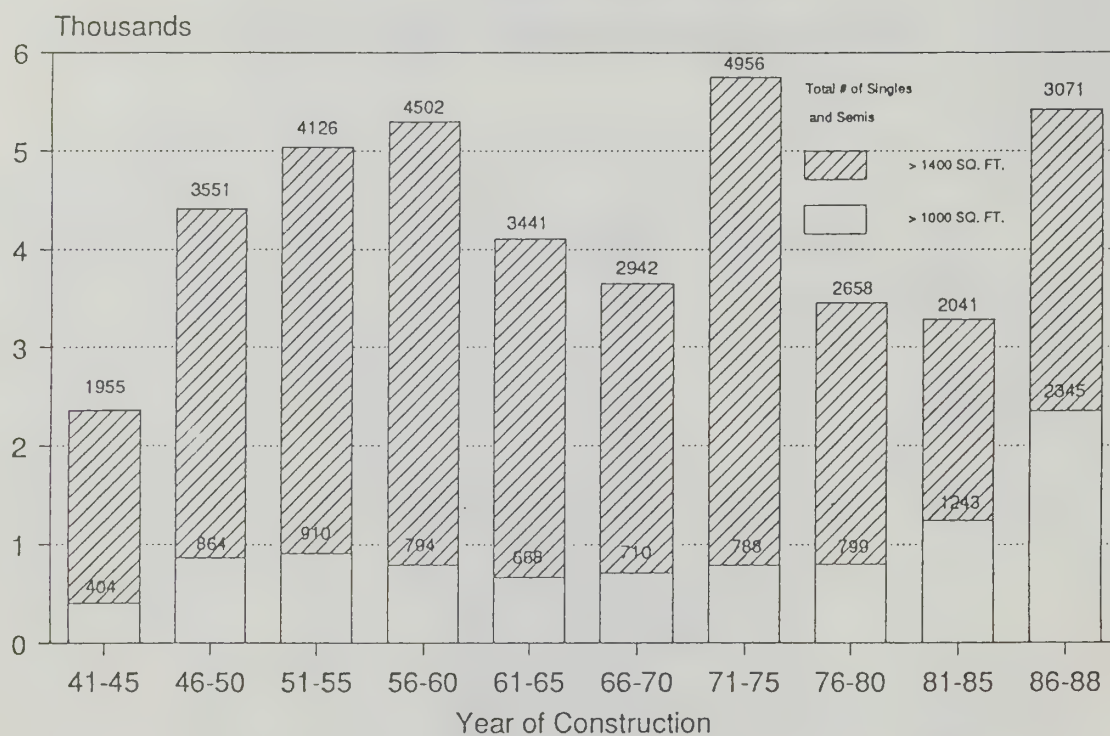
Total # post 1940 singles & semis > 1100sq.ft	# expected conversions over 5 years (at 6%***)	# expected annual conversions	# of apt/plexes needed per year
35000	2100	420	331

*From preliminary work for City of Hamilton Housing Statement

** City of Hamilton Municipal Building Profile (1988)

*** The probability of a homeowner converting is from a study by Environics Research Group, Volume 5, "The Supply Process," Study of Residential Intensification and Rental Housing Conservation, which was prepared for the Ontario Ministry of Municipal Affairs and Housing and the Association of Municipalities of Ontario in 1983.

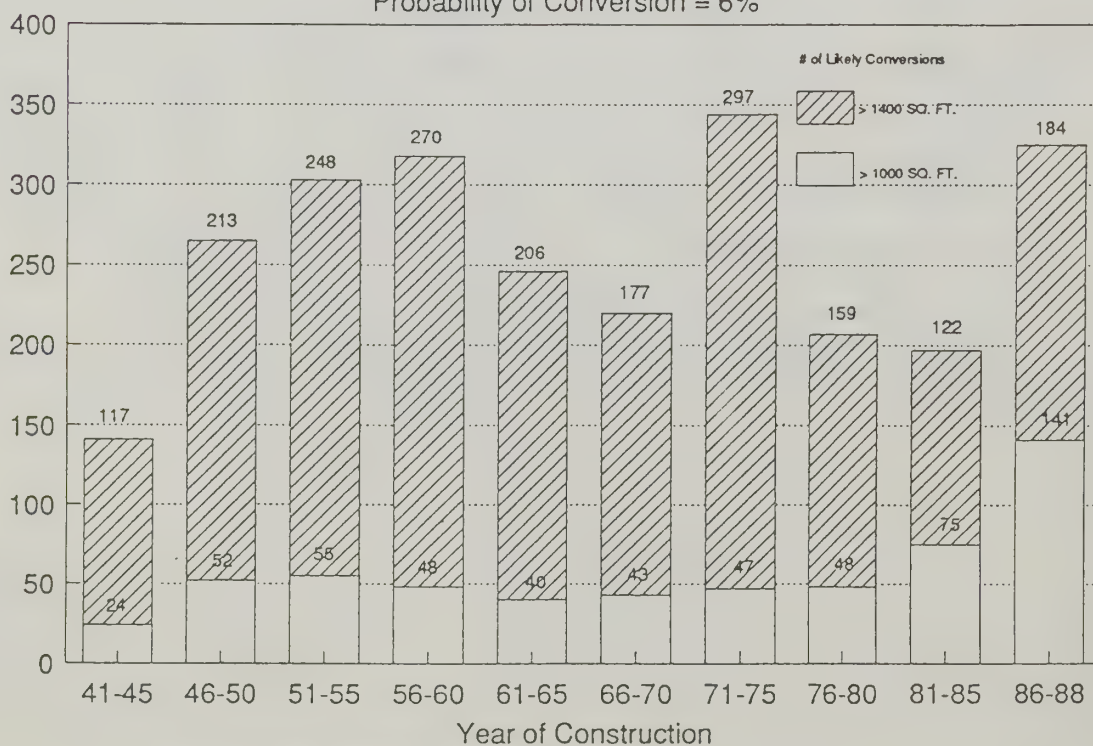
TOTAL # OF POST-1940 SINGLES AND SEMIS > 1000 SQ. FT.



Source: City of Hamilton Municipal Building Profile (1988)
and Ministry of Revenue, Assessment Division (1988).

EXPECTED # OF CONVERSIONS SINGLES AND SEMIS > 1000 SQ. FT.

Probability of Conversion = 6%



Source: City of Hamilton Municipal Building Profile (1988)
and Ministry of Revenue, Assessment Division (1988).

TERMS OF REFERENCE

COMMUNITY BASED PILOT PROJECT ON HOUSING INTENSIFICATION

INTRODUCTION

- Housing intensification strategies offer opportunities to provide housing to fit the communities needs.
- A Provincial Policy Statement outlines a framework for housing intensification. The Housing Intensification Study for Hamilton addresses City-wide issues.
- Neighbourhood level issues, street issues and individual issues need to be dealt with at a local level. This fits in with the community based approach advocated by the Province and the neighbourhood planning approach used by the City.
- Two areas have been identified to be the focus of the pilot project - St. Clair/Blakeley and Delta East and West. These areas exhibit high levels of both housing intensification and concern about the issue.
- Neighbourhood groups need to be formed to work towards consensus on issues. The groups will be balanced to represent different points of view. This will contain landlords and tenants as well as resident owners.
- The initial group meetings will be orientational and educational. Subsequently a work program will be established. Finally, the work program will be undertaken and evaluated.
- Housing intensification based on owner occupancy, will reduce neighbourhood concerns, however, in areas which already have a higher level of conversions, a neighbourhood group can be established to address concerns and problems.
- A Committee will be a form for mediation where necessary, where individual activities important to the neighbourhood.

PROCESS

Phase 1 Setting up Neighbourhood Groups (2 months)

Neighbourhood groups could be set up by Council and be co-ordinated by the Planning and Development Department in much the same way as neighbourhood planning advisory groups operate when preparing a neighbourhood plan. During neighbourhood planning exercises there are very often a number of side issues of parking maintenance, etc. and these could become the focus of the new groups. The Building Department would play a key role, and other departments could help the group as necessary.

An introductory letter about the pilot project will be sent to each owner and tenant. Applications for group membership will be invited. Members will be appointed by the Planning and Development Committee.

Phase 2 Orientation and Education (3 months)

Presentations will be made by various organizations - Ministry Staff, City Staff, affordable housing groups, neighbourhood groups, etc. Background information will be provided. Issues will be discussed.

Phase 3 Work Program (1 month)

The neighbourhood group will establish a work program including priorities in conjunction with resource staff who would carry out the work.

Work of the Committee should address the following:

(i) Information collection

- population, use of dwellings, condition of dwelling, parking, traffic, yard maintenance, development potential.
- attitude survey similar to the ones carried out in Central/Beasley, Homeside and Bruleville.

(ii) Analysis

- identifying illegal units, non-assessed units, parking and traffic issues, maintenance concerns and other neighbour concerns.

(iii) Strategies

- traffic and parking, (e.g. stop signs, speed restrictions, use of alleyways, front yard parking, boulevard parking, permit parking, creating additional parking space, enforcement, etc.).
- potential areas for redevelopment, infill and conversions.
- acting as a watchdog on emerging issues.
- information dissemination and education, (e.g. public meetings, news sheets, information bulletins).

(iv) Actions

- targetting key illegal units and dealing with them on an individual basis (e.g. enforcement, tenant relocation, legalization, publicity about improvement programs such as Ontario Home Renewal Program and Convert to Rent).
- targetting key maintenance issues, and dealing with them on an individual basis (e.g. enforcement, discussions between landlords and the neighbourhood group, etc.).
- dealing with neighbour problems, (e.g. mediation, discussions between landlords/tenants and the neighbourhood group, referral to Police, Noise Control Officer, Property Standards Officer, etc.).

- making representation on development applications, (e.g. committee of adjustment, zoning, boulevard parking, etc.).
- mediation between residents, property owners, City and tenants, when appropriate.

Phase 4 Implementation (8 months)

Work would be undertaken and reviewed by the neighbourhood group. A final report documenting and evaluating the project would be prepared by the Planning and Development Department.

FUNDING

Provincial funding resources are needed as soon as possible to take action on as many areas as possible. A terms of reference for each group should be set up and reviewed by the group to clarify objectives. Groups should then discuss priorities, (e.g. between surveys and enforcement).

Grants under the Ministry of Housing's 'Neighbours' Program should be directed to the two areas where concerns are strongest and where the neighbourhood problems are most acute:

- Blakeley/St. Clair
- Delta East and West

Pilot Neighbourhood projects including neighbourhood committees should thus be set up with Provincial funding. The neighbourhood committee approach is educational in itself. The Province is looking for potential Pilot projects and it would be appropriate for the City of Hamilton to be at the leading edge of solutions for housing intensification.

Further projects, based on the experience of the pilot projects could be directed to:

- Gibson
- Stipeley
- Landsdale
- Crown Point East

ADMINISTRATION

Committees must be representative of neighbourhoods and include tenants and landlords as well as owner occupiers to encompass all points of view to enable them to deal sensitively with all situations. Committees could work with staff and aldermen to resolve issues locally and give advice through the Planning and Development Committee in accordance with the Terms of Reference.

The neighbourhood groups will report to the Planning and Development Committee. The Planning and Development Department would co-ordinate the group. Other departments, e.g. Building, Traffic, Public Works would be called in as necessary.

TIME SCHEDULE

	<u>St. Clair/Blakeley Project</u>	<u>Delta East/West Project</u>
Phase 1	September - October	January - February
Phase 2	November - January	March - May
Phase 3	February	June
Phase 4	March - October 1992	July - February 1993

<u>STAFFING AND COSTS</u>	<u>St. Clair/Blakeley Staffing \$</u>	<u>Delta East/West Staffing \$</u>
Phase 1 (2 months)	2,000	2,000
Phase 2 (3 months)	10,000	10,000
Phase 3 (1 month)	3,000	3,000
Phase 4 (8 months)	<u>40,000</u>	<u>40,000</u>
Total	55,000	55,000
Cartographic/Technical Support		10,000
Printing/Secretarial/Administrative		20,000
Overall cost of project		140,000

HOUSING INTENSIFICATION STUDY

DRAFT OPTIONS

The Technical Steering Committee recommended that these draft options be presented at the public meeting. On May 23 1990, the Planning and Development Committee for the City of Hamilton authorized a public meeting to discuss the draft options.

May 1990

Planning and Development Department Region of Hamilton Wentworth

OFFICIAL PLAN AMENDMENTS

That the Official Plan be amended to include housing intensification policies as part of the implementation of the Provincial Housing Policy. Policies should cover:

- (a) general housing intensification policies for redevelopment, infill and conversions,
 - (b) policies for conversions reflecting the proposed zoning changes and other initiatives proposed in this study,
 - (c) criteria for the Committee of Adjustment in deciding on residential conversions including the beneficial effect of owner occupancy.
- Official Plan policies for housing intensification are required by the Provincial 'Land Use Planning for Housing' policy and should reflect the final recommendations of the Housing Intensification Study. This work is being carried out as a separate study by the Planning and Development Department.

HOUSING INTENSIFICATION IN AREA MUNICIPALITIES

That the Region be requested to encourage the area municipalities to carry out housing intensification studies.

- The Region should encourage the area municipalities to take a fair share of housing intensification and the Region include such policies in their Official Plan.

NEIGHBOURHOOD PLANS

That neighbourhood plans identify areas suitable for residential intensification and conversions in particular.

- areas appropriate for conversions and areas where the public desire to be able to convert can be considered as part of the neighbourhood plan process.

HIGH DENSITY STUDY FOLLOW-UP

That the Council recommendations from the High Density Residential Study be followed up by the Planning and Development Department. (See appendix for recommendations related to residential intensification.)

- A number of outstanding issues remain to be dealt with from the High Density Residential Study, the recommendations of which were referred to the Planning and Development Department.

APPEARANCE CRITERIA FOR CONVERSIONS

That the Planning and Development Department in conjunction with the Building Department develop criteria to assist in interpreting the Zoning By-law requirement that no change of appearance should take place as a result of conversions under Section 19(v).

- Criteria would help determine what constitutes a change in appearance.

RESIDENTIAL COMPONENT

That consideration be given to requiring residential use as part of a commercial development where new areas are zoned or designated for commercial use and;

That policies be prepared that would address the requirements for residential components as parts of commercial development.

- This would provide an opportunity for the private sector to construct affordable housing. This technique is being used in the proposed development at Rymal and Gage.

CASH IN LIEU OF AFFORDABLE HOUSING

That the possibility of cash in lieu of affordable housing requirements be used for Non-Profit Housing be investigated.

- This would allow flexibility for the location and type of housing. (e.g. development in or near the downtown area)

CONVERSIONS

- (a) That the Zoning By-law requirement in Section 19 be changed from allowing conversions in dwellings prior to July 25, 1940 to allow conversions in dwellings erected prior to July 25, 1945, with a view to extending conversions a further five years in the future.

That the impact of the zoning change be monitored prior to extending conversions to further areas, including property value research.

- Conversions should be broadened to post 1940 areas of the City, but at a pace which can be monitored. This will take the pressure off the pre-1940 areas.
- (b) That the Zoning By-law requirement in Section 19 be changed to allow conversions to dwelling units fronting onto arterial roads (Map 1) without any age restriction but subject to other conversion requirements.
- Opening up conversions further on arterial roads will take the pressure off interior parts of neighbourhoods. Higher densities on the periphery of neighbourhoods are already encouraged and people who live on the edge of neighbourhoods are usually more tolerant of adverse environmental conditions, e.g. traffic noise.

- (c) That the Zoning By-law requirement in Section 19 be changed from requiring a minimum unit size of 65 square metres (700 sq. feet) to a 65 square metre average with a minimum of 40 square metres (431 sq. feet).
- (d) That the Zoning By-law requirement in Section 14 for the 'H' classification be changed to allow conversions up to 10 units providing the building existed prior to March 8, 1983 as long as the ground floor frontage remains in commercial use and subject to parking requirements.
- This would open up conversions in commercial strips. Conversions up to 10 units are currently permitted without parking requirements at 180 metre (600 feet) separations. Additional residents would help the economy of commercial strips. Extra dwelling units in strip commercial areas usually provides accommodation on the periphery of neighbourhoods which is desirable. Continuous commercial use at the ground floor level is usually desirable to maintain the strength of the commercial strip.

ZONING CATEGORY REVIEW

That the Planning and Development Department review the following zoning categories with a view to residential intensification:

"H" (Community Shopping and Commercial)	"I" (Central Business)
"HI" (Civic Centre Protected)	"CR" (Commercial/Residential)
"DE" (Low Density Multiple Dwelling)	"RT" (Townhouse)
"B", "C", "D", and "R" (Single Family)	"G4" (Designed Neighbourhood)

(Including an examination of standardizing the area calculations of extensions for residential conversions)

and that other commercial categories which do not permit residential currently be also reviewed. Particular attention should be paid to Central Area zones since the Central Area Plan calls for higher residential densities in and around the downtown.

- There appears to be scope for housing intensification in these zoning categories.

CHANGE TO 'I' (CENTRAL BUSINESS DISTRICT) ZONING

That the Zoning By-law be changed to permit residential densities in accordance with "CR-3" (Commercial Residential) zoning providing Non-Residential uses be retained at the ground level.

- This will allow densities up to about 3 times coverage rather than the approximately one times coverage in the downtown areas zoned "I". Non-Residential uses are desirable at the ground floor level, eg. Commercial, Residential. This is in accordance with the Central Area Plan which calls for higher residential densities in the Central Area.

CREATION OF NEW ZONES TO PERMIT ACCESSORY APARTMENTS

That the Zoning By-law be amended to include sub-categories for the low density residential zones "B", "C", "D", and "R" (low density residential zones) but permitting duplex dwellings/accessory apartments, eg. "Bc".

- This would allow more housing intensification where new zoning is applied and more flexibility for owners.

ZONING AMENDMENT FOR LODGERS

That the zoning by-law be amended to reflect consistent requirements for lodgers in residential zones.

- some commercial districts do not allow lodgers in a single family dwelling despite the fact that residential use is permitted (ie. "H" District)

PRIDE PROGRAMS

That the Beasley/Central PRIDE (Neighbourhood Improvement) program (with a housing intensification component) proceed as planned.

- The Central Area Plan gives priority to the improvement of Central Area Neighbourhoods and residential intensification is desirable near the downtown.

FINANCIAL INCENTIVES

That a review be made to see if financial incentives could be enhanced to encourage housing intensification.

- Financial inducements may be able to be used to encourage further housing intensification, e.g. grant/loan programs.

NEIGHBOURS PROGRAM STUDY

That the Planning and Development Department prepare terms of reference for a "Neighbours" program to include public education on housing intensification as follows:

- o various forms of sharing in existing residential units;
- o creation of new self-contained units in existing residential buildings;
- o conversion of non-residential space to residential use; and,
- o residential infill or redevelopment on underdeveloped lots.

More research and information needs to be provided and presented to the Community.

INNOVATIVE HOUSING STUDY

The City of Hamilton undertake a study of innovative housing designs and layouts that would allow housing intensification; e.g., Granny flats, "Charlie" housing that allows single-family housing to easily be duplexed, Toronto Home Building charette housing, Mississauga (Trelawney) concept housing by

- o reviewing literature;
 - o examining examples of current innovative housing;
 - o examining older areas to see if concepts can be adapted to new housing;
 - o assessing the feasibility of a new zoning category for smaller lot singles (i.e. in the 20' to 30' frontage range).
 - o modifying regulations and taking other actions to expedite innovative housing;
 - o sponsoring innovative housing developments.
- Innovative housing offers alternative accommodations which may be desired by sections of the public and be acceptable to the community.

TRANSPORTATION / PARKING STUDY

That a terms of reference for a study to be undertaken by the Traffic and Planning Departments be drawn up. The study would consider the following items in the context of housing affordability, social needs, parking, modes of transportation and environment

- o existing and projected car ownerships for various areas in the city including the Central Area;
- o change in trip generation and car ownership as a result of conversions from single family housing to accessory apartments;
- o impacts of conversion on front yards, boulevards and street parking;
- o alternative forms of neighbourhood parking, for e.g. rear alleyways, community parking lots and parking facilities for other uses.

- o parking requirements in the Central Area to encourage mixed use development in accordance with the Central Area Plan.
- More research is required to examine the parking issue in relation to conversions, redevelopment and infill.

RESIDENTIAL INTENSIFICATION INVENTORY

The Planning and Development Department carry out the following work.

- o prepare a comprehensive documentation of publicly owned lands suitable for residential development and housing intensification,
- o extend the Central Area analysis carried out for this study to the remainder of the city to examine conversion, infill and redevelopment potential,
- o work with owners of private sites to encourage housing intensification,
- o develop publicly owned sites using design briefs and possibly through joint venture,
- o examine public land banking for Co-op or Non-Profit Housing sites,
- o a terms of reference be drawn up and funding requested from the Province.
- Opportunities for residential intensification should be actively sought.

AS OF RIGHT CONVERSIONS SUBJECT TO COMMUNITY ACCEPTANCE

That techniques be explored to allow conversions without need for Council or Committee of Adjustment approval where the community favours the proposal.

- Further conversions could be permitted where Neighbourhood acceptance is high subject to a high percentage of owners/residents endorsement and subject to other conditions. Such mechanisms are used in the City of Toronto.

ENFORCEMENT

1) *Illegal conversions*

That streets or areas which show deterioration as a result of illegal conversions as defined by the Planning and Development Committee be the subject of review by street residents or neighbourhood association to establish a rationale for dealing with the various conversion situations and that implementation be through enforcement as appropriate.

- Enforcement of illegally converted units usually takes place on a complaint basis. However, concern has been strongly expressed about the deterioration of neighbourhoods and streets where conversions have been concentrated. Opening up wider areas of the City to conversion should take the pressure off the pre-1940 areas. However, in locations where deterioration is a concern, a review of the situation and possible remedies should be developed by those involved with staff assistance. This would make the deterioration of neighbourhoods in pre 1940 areas less likely.

2) *Entry to dwellings*

That a resolution be passed supporting the Province's proposed change to the Building Codes Act (Bill 103) so as to enable municipal building inspectors to gain entry to dwellings to ensure that zoning and building regulations are being followed:

- Enforcement of Zoning By-law and Building Code has proved difficult without right of entry, particularly for conversions.

RECOMMENDATIONS FROM HIGH DENSITY RESIDENTIAL STUDY

- o That the City pass a resolution urging the Province to modify the Building Code to allow for greater flexibility in the conversion of existing buildings to new residential and commercial uses, while continuing to ensure building safety and that the Planning and Development Committee refer the matter to the Planning and Development Department.
- o That the City pass a resolution urging the Province to increase levels of funding for subsidized housing, especially for the purchase of land and the construction of new units, to encourage additional housing of this type in the Central Area and that the Planning and Development Committee refer the matter to the Planning and Development Department.
- o That the Central Area Plan Official Plan Amendment include a policy encouraging, where appropriate:

- (i) lower building heights;
- (ii) building scale, setbacks, and design which are compatible with existing streetscapes;
- (iii) innovative design;
- (iv) preservation of heritage buildings or of historical features such as building facades;
- (v) preservation of trees and other landscape features;
- (vi) dedication to the City of useable open space for a public park where appropriate;
- (vii) turning over units for subsidized housing;
- (viii) providing ground related units suitable for families;
- (ix) providing facilities such as day nurseries for community use;
- (x) providing more than the minimum number of parking spaces, and allowing public access to the additional spaces having regard to security;
- (xi) providing enclosed parking.

The granting of planning incentives (eg. higher densities) may be used to achieve the above and would be at the discretion of Council and would be applied on a site-by-site basis and that the Planning and Development Committee refer the matter to the Planning and Development Department.

- o That the Central Area Plan Official Plan Amendment include a policy supporting the following pattern for multiple residential development:
 - where high density development is appropriate that it be located in the downtown core and/or with access to high volume arterial roads.
 - low density development be located in the centre of neighbourhoods and at a distance from the downtown core.

- medium density development be located between low density and high density development.
- that high density development should primarily be medium rise although high rise should be permitted particularly in the downtown core and in nodes where direct access to high volume roads is available.
- that locations of both density and high rise be determined through the neighbourhood plan.
- the appropriateness of development should be judged in accordance with the following criteria:

"where little adverse impact is created on views and vistas particularly the Escarpment and the Waterfront, privacy, traffic and street scale and texture."

and that the Planning and Development Committee refer the matter to the Planning and Development Department for review.

- o The Central Area Plan Official Plan Amendment should provide definitions of the terms low, medium and high density, and low, medium and high rise and that the Planning and Development Committee refer the matter to the Planning and Development Department.
- o That the Central Area Plan Official Plan Amendment include a policy encouraging further high density residential development in the downtown core and that the Planning and Development Committee refer the matter to the Planning and Development Department.
- o That the Central Area Plan Official Plan Amendment include a policy supporting in certain cases the development for residential purposes of vacant areas which exist at ground level under certain apartment buildings and that the Planning and Development Committee refer the matter to the Planning and Development Department.
- o That portions of landscaped areas of existing apartment buildings be examined for residential use as part of the proposed Housing Intensification Study, and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- o That the Durand Neighbourhood Plan be reviewed in consultation with the Durand Neighbourhood Plan Implementation Committee:
 - (i) to develop new policies and designations for areas currently zoned for high density residential development;
 - (ii) to permit additional neighbourhood-oriented commercial uses in the neighbourhood residential areas.

and that the matter be referred by the Planning and Development Committee to the Durand Neighbourhood Plan Implementation Committee and the Planning and Development Department.

- o That new multiple residential zoning categories be established that would have the following characteristics and that the Planning and Development Department prepare a report on the following matters:

- (i) reduced required side and rear yards;
- (ii) front yards related to the setbacks of buildings on adjacent properties;
- (iii) reduced landscaping bonuses;
- (iv) no landscaping bonus;
- (v) reduced building height.

These three zones would have height and density provisions on the range of the following:

Zone "A": 4 storey maximum, 2.0 floor area/lot area ratio.
Zone "B": 6 storey maximum, 3.0 floor area/lot area ratio.
Zone "C": 8 storey maximum, 4.0 floor area/lot area ratio.

These zones may be applied to new areas to be rezoned for multiple residential development. Furthermore, the owners of Central Area lands within the "E", "E-1", and "E-2" Zones would be permitted to develop their property in line with the above provisions on the following basis:

These three zones would have height and density provisions in the range of the following:

- (i) lands zoned "E" could be developed according to the standards of Zone "A".
- (ii) lands zoned "E-1" also could be developed according to the standards of zone "A".
- (iii) lands zoned "E-3" could be developed according to the standards of zone "B".

- o That the Planning Department and citizen committees consider the need for more high density housing in the preparation of the neighbourhood plans for Corktown, Central, Beasley, North End East and North End West.
- o That the following proposal "That the City increase the awareness of the owners of large underutilized parcels of land in the Central Area regarding the fact that the City supports the development of many such sites for high density housing, and is willing to adopt a flexible approach to development in order to meet this objective." be considered as part of the proposed Housing Intensification Study and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.

to the official plan
for
the city of hamilton
Feb., 1989



FOR ACTION

3.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. L. King, P. Eng.
Department of Building

DATE: 1991 January 31
DEPT FILE: Heritage 52

SUBJECT: City of Hamilton Heritage Programme -
51 Stuart Street, Hamilton

RECOMMENDATION:

That the request for variance to the existing City policy for release of funds for 51 Stuart prior to completion of the project by Mr. D. Warrener be denied.



Mr. L. King, Building Commissioner

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

Mr. D. Warrener, owner of the Custom House, has requested that the City alter its established procedures in regard to the advancement of funds under the City's Designated Property Grant Programme and the Community Heritage Trust Funds Programme. The request would involve the advancement of funds *before* the owner's equity portion of the work had been done and paid for by the owner.

The policy under all loans programmes is to require the owner to advance his/her portion of the costs before the City, be it loan or grant advance. In most cases we ask for the money "up front" and hold it in the owner's name in the City's Treasury Department. In this case, because of the large amount, we suggested that we would require the owner to pay only his portion first. This policy helps ensure that the total project is completed as scheduled and provides some assurance to the contractor that the money is available. This policy also assists the Municipality, as under programme requirements we are required to assure that projects get completed and within a reasonable time frame. This procedure has also proved to protect the applicant as all work will be inspected and approved before any money is advanced. Since City funds are the last expended, contractors are much more conscientious through the whole rehabilitation process.

Mr. D. Warrener submitted estimates for work he wished to undertake under the two Heritage Programmes in the Spring of 1990. The total cost of the work was estimated to cost \$112,903.00. The maximum funding available from the City was \$53,000.00. Mr. Warrener was always aware of that fact. The Department, as required, submitted the estimates for approval to Local Architectural Conservation Advisory Committee (LACAC) for approval of cost as well as project eligibility. LACAC subsequently approved the stonework on the east wall and the replication of the interior staircase from the second to third floor as eligible projects. The cost of this work exceeded \$90,000.00. Included in the estimates submitted was \$19,000.00 for a *new* veranda which was deemed not eligible for Heritage funding.

Mr. D. Warrener subsequently signed a final loan application on May 23rd, 1990 which included all the projects totalling \$112,903.00. This was done to protect Mr. Warrener from poor workmanship on all projects he wished to undertake, but it was never intended to be eligible for Heritage funding as it did not meet the guidelines. These guidelines state that projects must be approved by LACAC and there must be proof that the work was part of the original building. It was made very clear to Mr. Warrener that the City would advance the last \$53,000.00 as per established City policy. The applicant fully understood this, as this was his second application and we had encountered similar problems which were addressed by the Planning and Development Committee.

Mr. D. Warrener subsequently requested an inspection for completion of some of the work including the veranda. The work was inspected and in fact it was found that the veranda was not complete; and furthermore, a building permit had not been issued. For your information a building permit was issued on January 25th, 1991. The building permit indicated the construction value at \$19,000.00 for the exterior veranda. In addition, work on the lintels was complete at an estimated cost of \$6,000.00. We then advised that we could not advance any Municipal funds until \$59,903.00 of the owner's funds had been spent. The estimated cost of work completed is approximately \$25,000.00 including the veranda which requires additional work.

It must be made very clear that we can under no circumstances advance any monies for work on the veranda as this project is clearly not eligible under any circumstances. We would in fact be breaking our Agreement with the Province under both the Designated Property Grant Programme and the Community Heritage Trust Fund Programme. At most it could be argued that \$6,000.00 has been completed under eligible Heritage funding projects but to advance funds would be contrary to current City policy. It is our understanding that 50% of this \$6,000.00 has been covered by a grant, and the maximum that the City could consider releasing is \$3,000.00. It should also be noted that the property is currently listed for sale.

The Building Department therefore recommends against advancing any funds until the owners commitment of \$59,903.00 has been completed and paid to the contractors.

We have enclosed copies of our previous correspondence to Mr. Warrener, marked "private and confidential."

c.c. P. Noé-Johnson, City Solicitor
Law Department

L. Sage
Chief Administrative Officer

E. C. Matthews, Treasurer
Treasury Department
Attn: R. Camani

4.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 31

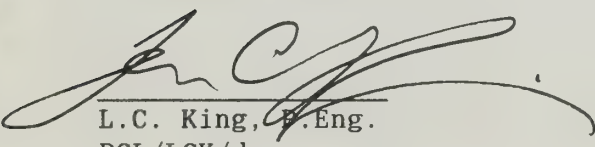
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. L. King, Chairman
Cash-in-Lieu of Parking Committee

SUBJECT: Cash-In-Lieu of Parking -
38-40 Centennial Parkway North

RECOMMENDATION:

That in accordance with the Cash-in-Lieu of Parking policy, that the owner, Mr. Tony Leonitis of 744424 Ontario Limited, be required to pay to the City of Hamilton the sum of \$76,500, which is 75% of the cost of providing twelve parking spaces. That the Law Department be directed to prepare the Cash-in-Lieu of Parking Agreement as required.



L.C. King, P.Eng.
PCL/LCK/dm

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The sum of \$76,500 will be added to the reserve for off-street parking administered by the Parking Authority of the City of Hamilton.

BACKGROUND:

The subject property is presently occupied by an existing two-storey commercial building. The owner proposes a full second storey addition which will increase the gross floor area of the existing building. Under the requirements of Zoning By-law #6593, a total of 56 parking spaces are required. There are 44 parking spaces provided on site. The applicant has applied for payment of cash-in-lieu for the remaining 12 required parking spaces.

The proposed of payment for cash-in-lieu of parking can be supported in that traffic principles are maintained.

The required 75% payment of cash-in-lieu of parking is recommended for the following reasons:-

1. Maximized payment of money allows the Parking Authority to provide parking in an earlier time frame.
2. The area is presently built-up and there is no vacant land available within the immediate area. To purchase any properties within the area for parking purposes would involve demolition of buildings at a fairly high cost.
3. The elimination of parking problems in the area can only be done by the provision of off-street parking.
4. The Cooper and Lybrand's report entitled "Recommended changes in the Present Parking Policies and Practices in the City of Hamilton" presently before the Finance and Administration Committee recommends under G.(iii) "In cases where the "cash-in-lieu of parking" policy applies, the amount payable should equal 100% of the cost of providing the required parking spaces in the development area."

In that this proposal is an existing development and does provide parking, the Cash-in-Lieu of Parking Committee felt that asking for 100% provision of cash-in-lieu was not justifiable. The price of land for provision of parking in this area under this application has been established at approximately \$7,500 per space. Including development costs, this results in a net charge of \$8,500 per parking space. The fee payable is, therefore, $(12 \times \$8,500 \times .75)$ which is \$76,500.

The Traffic Department also advised of the following concerns:-

- a) Any shortfall in parking generated by this property will spill over to adjoining properties.
- b) There is no property in the immediate area that the Parking Authority can buy to alleviate parking problems.

CORPORATION OF THE CITY OF HAMILTO
MEMORANDUM

5.

TO: Mrs. S. K. Reeder, Secretary
Planning and Development Committee

YOUR FILE:

FROM: Mr. John Thompson
Manager, Legislative Division

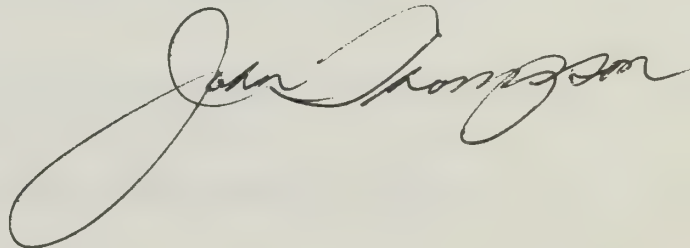
OUR FILE:
PHONE: 546-2747

SUBJECT: FCM's REQUEST FOR RESOLUTIONS

DATE: 1991 January 29

Attached is a copy of a memorandum from the Federation of Canadian Municipalities' Standing Committee on Policies & Resolutions inviting the submission of resolutions for consideration at the FCM's 1991 Annual Conference to be held in St. John's, June 7-10.

Would you please arrange to present this memorandum to your Committee for review and appropriate action.



att.

C(xiv)

To IC. Avery

RECEIVED

7 1991

November 29, 1990

DEC 21 1990

CITY CLERKS

Memorandum To FCM Member Councils

REQUEST FOR RESOLUTIONS FOR CONSIDERATION
AT 1991 ANNUAL CONFERENCE

The Federation of Canadian Municipalities' Standing Committee on Policies & Resolutions and the National Board of Directors invite the submission of resolutions on subjects of national municipal interest for national debate at the FCM's 1991 Annual Conference in St. John's, June 7 to June 10.

Guidelines For Resolutions

Members are urged to observe the following guidelines when preparing their resolutions for submission:

1. The deadline for accepting resolutions in the FCM Secretariat is Friday, March 1, 1991.
2. Proof of the Council's endorsement must accompany the resolution(s).
3. Background information which explains and justifies the intent of the resolution and supports the Council's position must also be forwarded with each resolution. FCM staff has been authorized by the National Board of Directors to return resolutions submitted without such information with a request for documentation.
4. The attached format for resolutions must be followed. A sample resolution, properly constructed, also is enclosed.

The Resolutions Committee, chaired by Alderman Ron Hayter of Edmonton, stresses that resolutions received after the deadline or without sufficient supporting information, cannot be processed in time for inclusion in the Conference Policy Development Book. Emergency resolutions will be dealt with in accordance with Section 2b of the "Procedures for 1991 Conference Resolutions".

Categorization Of Resolutions

The Standing Committee on Policies & Resolutions will meet in March to review the resolutions received. Resolutions will be categorized as follows:

- Category A: National Municipal Issues
- Category B: Local/Regional Municipal Issues
- Category C: Issues Not Within Municipal Jurisdiction
- Category D: Other (dealt with in previous three years or contrary to present FCM policy)

This categorizing is in accordance with the FCM's "Procedures for Policy Development", endorsed by Conference delegates in 1989. In 1990, the National Board of Directors added 'Category D' to include resolutions dealt with in the previous three years or contrary to FCM policy.

Resolutions which fall within the mandate of an FCM Standing Committee or Task Force will be reviewed by the same for the purpose of presenting recommendations to the Conference. Standing Committees and Task Forces are charged with the responsibility of ensuring that policy statements and resolutions are compatible with existing policy statements and approved resolutions. Resolutions of a general nature will be grouped together in the MISCELLANEOUS section of the Policy Development Book and will be considered after debate of policy-related resolutions.

Copies of the Procedures for Policy Development and Procedures for 1991 Conference Resolutions are enclosed for your information.

The Standing Committee on Policies and Resolutions and the National Board of Directors will appreciate the cooperation of all Councils and Associations in adhering to the procedures. We look forward to hearing from you.

A handwritten signature in cursive script, reading "Patricia Hunsley". The signature is written in dark ink and is positioned above the typed name and title.

Patricia Hunsley
Director, Policy & Research

Enclosures

**FORMAT FOR PRESENTATION
OF RESOLUTIONS TO THE
FEDERATION OF CANADIAN MUNICIPALITIES**

Whereas -----

Whereas -----

Therefore Be It Resolved that the Federation of
Canadian Municipalities urge/endorse the ...

Be It Further Resolved that the Federation of Canadian
Municipalities urge/endorse ...

Submitted by:

*** See attached resolution as a guideline**

FIN90.2.92 - AGRICULTURAL FARM CRISIS

WHEREAS efforts to liberalize trade in farm products under the Uruguay Round of GATT negotiations have stalled; and

WHEREAS failure to agree on multi-lateral reduction of farm subsidies will severely affect Canadian farmers and worsen the crisis they already face;

BE IT RESOLVED that the President of the FCM write to the Minister of International Trade, the Minister of Agriculture and other interested Federal Ministers (with copies to Opposition Leaders and Provincial Premiers) to urge that they:

- a) continue their efforts and come up with new strategies to resolve the existing impasse; and
- b) maintain existing farm subsidies in Canada until other countries farm subsidies are brought under effective control

Submitted by: The National Board of Directors

RECOMMENDATION: Category A; Standing Committee on
Municipal Finance; CONCURRENCE

DECISION: Carried

PROCEDURES FOR 1991 CONFERENCE RESOLUTIONS

The following Procedures for Conference Resolutions will be in effect at the FCM's 1991 Annual Conference. The Standing Committee on Policies and Resolutions selected from the resolutions received, those resolutions of general concern and of local/regional concern which will be debated at the Conference. These resolutions are printed in Section I and II of the Policy Development Book. All other resolutions are printed in Section III of the Policy Development Book, and will become debatable only upon a motion approved by a simple majority vote of the voting delegates present at the Conference session. Resolutions received after the March 1, 1991 deadline will be held for action by the National Board of Directors following the Conference.

1. PROCEDURAL REGULATIONS FOR ACCEPTANCE OF RESOLUTIONS

Care should be taken by the sponsors of resolutions intended for consideration at FCM's Annual Conference to ensure that they meet the following requirements. The criteria defining how resolutions should be written have been approved the National Board of Directors.

- a) Resolutions should address topics of concern to municipalities at the national level.
- b) The preliminary clauses should clearly and briefly set out the reasons for the resolutions. (If the sponsor believes that the rationale cannot be explained in a few preliminary clauses, the problem should be more fully stated in supporting documentation.)
- c) Resolutions submitted without adequate background documentation/information will be returned by FCM staff to the sponsor with a request for material which would justify the intent of the resolution. In any doubtful case, the staff will consult with the Chair of the Standing Committee on Policies and Resolutions.
- d) The operative clause of the resolution (i.e., the one beginning "BE IT RESOLVED") must clearly set out its intent, stating a specific proposal for action. The wording should be straightforward and brief. Generalizations

should be avoided.

- e) The 1991 submission deadline for receipt of resolutions was March 1, 1991.
- f) Resolutions dealing with matters of urgent national concern which arise following the deadline for receipt of Conference resolutions should be referred directly to the Standing Committee on Policies and Resolutions for consideration.
- g) Resolutions may be submitted by any municipality or provincial/territorial municipal association which is a member in good standing of the Federation of Canadian Municipalities. Each resolution must bear the official endorsement of the sponsor.
- h) Supporting documentation

2. DISPOSITION OF RESOLUTIONS

- a) Resolutions which conform to the procedural regulations stated above will be treated by the Standing Committee on Policies and Resolutions as follows:
 - i) Resolutions of general concern to municipalities at the national level (Category A: national municipal issues and indirect municipal issues, FCM's Procedures for Policy Development) as determined by a standing committee or task force will be printed in Section I of the Policy Development Book. Each Section I resolution will be accompanied by a recommendation from a standing committee or task force. All Category A resolutions will be debated.
 - ii) Resolutions NOT deemed by a standing committee or task force to be national in scope will be placed in Category B and printed in Section II of the Policy Development Book. Section III of the Policy Development Book will contain Category C and D resolutions and these will only be debated after presentation of

Section I and II resolutions, AND ONLY if a representative of the sponsor obtains approval of the delegates.

iii) Section IV will contain members' resolutions in their original form, which have been consolidated by the Standing Committee on Policies and Resolutions. The Standing Committee on Policies and Resolutions consolidates resolutions similar in nature or content. Sponsors of these resolutions will be notified that this action has been taken.

- b) Resolutions of an emergency nature, as determined by the Executive Committee, will be debated, with delegates' approval.
- c) Resolutions not debated at a Conference Resolutions session because of insufficient time or lack of quorum of voting delegates will be presented by the Standing Committee on Policies and Resolutions with its recommendations to the first meeting of the new National Board of Directors.
- d) A quorum shall consist of 25 voting delegates.

3. PROCEDURES FOR THE CONDUCT OF RESOLUTIONS PLENARY SESSIONS

- a) Each resolution in the Policy Development Book is deemed to be duly moved and seconded by the originating municipality or association and will be read aloud. Thereafter, the recommendation of the standing committee or task force will be read aloud.
- b) A representative from the sponsoring municipality or municipal association will be given first opportunity to speak.
- c) Only FCM members in good standing are entitled to speak from the floor.
- d) All speakers must identify themselves and their municipality or association, and must confine their remarks to a maximum of two minutes.

- e) No delegate will be permitted to speak more than once on any resolution until other delegates wishing to speak have been heard.
- f) An appeal for a ruling shall be made to the Chair of the Policy Session.
- g) Amendments to resolutions duly moved and seconded will be accepted in written form by the Chair of the Policy Session for voting purposes. Amendment forms will be available in the Policy Development Book.
- h) Motions to refer a resolution will be in order at any time and will be voted on immediately WITHOUT DEBATE.
- i) At the close of debate, a vote will be called on the "BE IT RESOLVED" portion of the Resolution.
- j) Only duly accredited voting delegates are entitled to vote on resolutions. They will do so by showing their voting credentials when the count is taken.

PROCEDURES FOR POLICY DEVELOPMENT

1. GENERAL - POLICY DEVELOPMENT

- 1.1 The FCM National Board of Directors is responsible for the setting of policy priorities which reflect the concerns of member municipalities and/or municipal associations. The National Board of Directors may appoint standing committees and task forces as required to develop policy positions on key national municipal issues.
- 1.2 The major lobbying and research activities of FCM will be directed to those national municipal issues which fall within the jurisdiction of the federal government, the provincial and territorial governments acting at the interprovincial level, or FCM itself, as identified by the Annual Conference or the National Board of Directors.
- 1.3 Indirect municipal issues and local/regional issues will not be supported by major research and lobbying activity, unless otherwise directed by the Annual Conference or by the FCM National Board of Directors.
- 1.4 FCM will take a stand only on those issues which are clearly municipal in character.

2. POLICY RESOLUTIONS

- 2.1 Member municipalities may submit policy resolutions for consideration by the Annual Conference held in June of each year once the Call for Conference Resolutions has been issued, (normally in December). The deadline for submission of conference resolutions is three (3) months before the opening of the Annual Conference. Late resolutions are dealt with in accordance with the Conference Resolutions Procedures which are issued with the Call for Conference Resolutions.
- 2.2 Member municipalities may submit policy resolutions for consideration at each meeting of the National Board of Directors.
- 2.3 The Standing Committee on Policies and Resolutions shall be responsible for

receiving and taking action on all resolutions in accordance with these procedures.

- 2.4 All resolutions endorsed by the Annual Conference of FCM and by the National Board of Directors which require action from the Government of Canada, shall be submitted to the Government of Canada or the appropriate agency for response as soon as possible.

2.5 CATEGORIZATION OF RESOLUTIONS

The Standing Committee on Policies and Resolutions shall categorize all of the resolutions which are submitted for consideration into the following categories:

Category A - National Municipal Issues

This category will contain resolutions on issues which are of a direct or indirect concern to Canadian municipalities, and which fall within the jurisdiction of the federal government, the provincial and territorial governments acting at the interprovincial level, or FCM itself. These resolutions are debated first. The Standing Committee on Policies and Resolutions or other appropriate standing committee/task force will make a recommendation on each resolution in order to ensure that resolutions are consistent with established FCM policy.

Category B - Local/Regional Municipal Issues

This category will contain resolutions on issues of concern to municipalities of a particular region or to a local municipality, and which fall within the jurisdiction of the federal government. The regions are: British Columbia and the Yukon, the Prairies and the Northwest Territories, Ontario, Quebec, and the Atlantic. In order to determine whether a resolution is regional in scope, the Standing Committee on Policies and Resolutions may refer resolutions to regional committees from time to time. These resolutions are debated immediately after Category A resolutions.

Category C - Issues Not Within Municipal Jurisdiction

This category will contain other resolutions submitted by member municipalities and associations. These resolutions will not be debated by the Annual Conference or Board Meeting unless a motion to debate the resolution is moved and carried by the Annual Conference or National Board of Directors.

Category D - Other

This category will contain resolutions submitted by member municipalities and associations which have been to the National Board of Directors or the Annual Conference in the previous three years, similar in content or contrary to earlier decisions by the Conference or Board. These resolutions will be received for information only.

Category C and D resolutions will not be debated either by the National Board of Directors or the Annual Conferences, unless a motion to debate the resolution is moved and carried by the National Board of Directors or the Annual Conference.

6.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 31

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

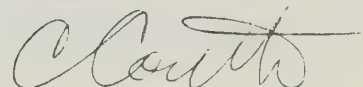
FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: PROPOSED CLOSURE OF CN STATION -
DESIGNATION UNDER HERITAGE RAILWAY
STATIONS PROTECTION ACT

RECOMMENDATION:

That the City of Hamilton request the Executive Secretary, Historic Sites and Monuments Board of Canada, to consider designation by the Minister of the Environment of Hamilton's CN Station under The Heritage Railway Stations Protection Act.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:



N/A

BACKGROUND:

The Heritage Railway Stations Protection Act provides for the designation of railway stations as heritage stations and is intended to encourage the preservation of stations so designated. According to the Act, no railway company may in any way alter or dispose of a designated heritage railway station owned by it or under its control without the authorization of the Governor in Council.

An article recently published in the Spectator (1991 January 12) revealed VIA Rail's plans to move its operations in Hamilton and Dundas to Aldershot by the spring of 1992. All passenger service to Hamilton's CN Station, including the GO train, would then be discontinued and the station closed.

The Local Architectural Conservation Advisory Committee also endorses C.A.P.I.C.'s recommendation to establish an Ad-Hoc Committee to investigate future uses of the CN Station.

cc Mr. A. Georgieff, Director of Local Planning
Mrs. N. Chapple, Planning Department

7.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 29
(P5-4-7-9)

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

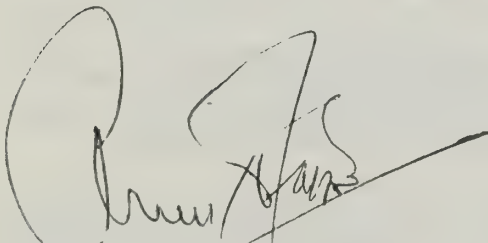
FROM: Charles Forsyth
Chairperson
Central Area Plan Implementation Committee (CAPIC)

SUBJECT:

Ad Hoc Committee for CN Rail Station.

RECOMMENDATION:

1. That an ad hoc committee be formed to examine the future of the CN Station property to work with staff from the Planning and Development Department and the Regional Economic Development Department.
2. That the ad hoc committee consist of representatives of Planning and Development Committee, CAPIC, Urban Design Committee, LACAC, BIAs and other stakeholders.
3. That LACAC's recommendation to designate the CN Station under The Heritage Railway Stations Protection Act, be supported.
4. That the need for increased GO train service and the continuation of VIA Rail service to Hamilton be reaffirmed.



Charles H. Forsyth
Chairperson
CAPIC

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

VIA Rail have announced that they will be locating to the new Waterdown Station in 1992 leaving the CN Station surplus to CN's requirement. The Planning and Development Committee requested the Planning and Development Department to work with the Economic Development Department on a strategy for the CN Railway Station. A Council resolution was passed on January 29, 1991 requesting the CAO to co-ordinate staff to meet with CN officials to discuss alternate uses for the CN Station building on James Street North.

CN Rail Station on James Street North

The Central Area Plan Implementation Committee (CAPIC) is also concerned about the future of the CN Rail Station and surrounding property. The station is an important component of the Central Area because it serves several purposes. Its visual appearance makes the building stand out as an important landmark. The Station also marks the terminus of the Jamesville BIA. The Station has been an important part of Hamilton's history and overall development. A number of committees are already concerned about the threat to the CN Station.

Rail Service to the Central Area

Apart from the CN Rail station, CAPIC has always had an interest in the overall transportation issues affecting the Central Area, including rail transport. VIA Rail service provides the City of Hamilton with an important transportation link to other places in Canada and the United States. This link is also an important means of bringing people from different parts of Canada and the United States to Hamilton.

The proposed increase in GO train service to Hamilton will provide the City with a different type of link to other communities. Basically, GO train service will improve commuter links between Central Hamilton and other jurisdictions.

Both types of train service are important to the viability of the Central Area.

CONCLUSION:

An ad hoc committee would bring together various stakeholders and provide a focus for discussing the future of the CN property. LACAC's recommendation to have the CN Station designated under The Heritage Railway Stations Protection Act should be supported.

In addition, approval should be given to the endorsement of the need for increased GO train service into the Central Area and the continuation of VIA Rail Service to Hamilton to help maintain strong rail links with other jurisdictions.

M.D.:ns

A:\CAPICREP

CITY OF HAMILTON
- RECOMMENDATION -

8.

DATE: January 29, 1991
(ZA-90-40; Ainslie Wood
Neighbourhood)

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

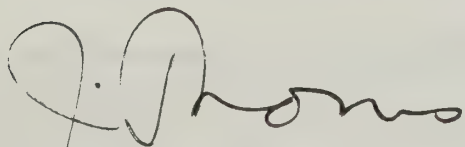
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

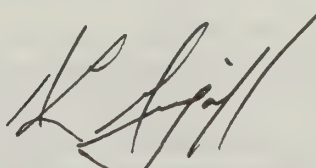
Request for an Official Plan Amendment and changes in zoning -No. 45 Rifle Range Road.

RECOMMENDATION:

- A. That amended Zoning Application 90-40, Patran Holdings Limited, owner, requesting an Official Plan Amendment to redesignate lands from "INDUSTRIAL" to "RESIDENTIAL" and to remove them from "SPECIAL POLICY AREA II", and changes in zoning from "M-14" (Prestige Industrial) District to "R-4" (Small Lot Single-Family Detached) District (Block"1"), to "RT-20" (Townhouse-Maisonette) District (Block"2"), to "RT-30" (Street Townhouse) District (Block"3"), to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block"4"), and to "E-1"(Multiple Dwellings, Lodges, Clubs, etc.) District (Block"5"), to permit small lot single-family detached dwellings, townhouse dwellings, street townhouse dwellings and apartments, on property located at No. 45 Rifle Range Road as shown on the attached map marked as APPENDIX "A", be TABLED for the following reason:
- i) The proposal is considered premature until such time as a Neighbourhood Plan Review for part of the approved Ainslie Wood Neighbourhood Plan is carried out.
- B. That the Planning and Development Department be directed to undertake a review of the approved Ainslie Wood Neighbourhood Plan for the industrial area bounded by the T.H. & B Railway tracks on the north, Rifle Range Road on the west, Whitney Avenue on the south, and the easterly limits of the industrially zoned lands.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On March 30, 1990 the applicant submitted the subject rezoning application for a change in zoning from "M-14" (Prestige Industrial) District to "RT-20" (Townhouse-Maisonette) District to permit a townhouse development.

During July of 1990, the applicant's agent met with staff of the Planning and Development Department to present a preliminary concept plan for development of the entire 19 acre +/- site. The concept plan (see APPENDIX "B") provides for a range of housing types, styles and densities, and makes provision for changing the southerly portion of the site adjoining Whitney Avenue to accommodate a separate school site, if required.

On November 20, 1990, the applicant's agent filed an application for approval of a draft plan of subdivision, and amended the zoning application.

On December 18, 1990 the Hamilton-Wentworth Roman Catholic Separate School Board passed a resolution authorizing it to make an application for expropriation of the applicant's lands (see APPENDIX "B").

OFFICIAL PLAN:

The subject lands are designated "INDUSTRIAL" on Schedule A - Land Use Concept and are also within "SPECIAL POLICY AREA 11" on Schedule B - Special Policy Areas.

The proposal does not comply with the intent of the Official Plan. If the application were approved, an Official Plan Amendment would be required to redesignate the lands to "RESIDENTIAL" and to remove them from "SPECIAL POLICY AREA 11".

NEIGHBOURHOOD PLAN:

The subject lands are designated "INDUSTRIAL" in the approved Ainslie Wood Neighbourhood Plan. The proposal does not comply. Approval of the application would require amendments to redesignate the lands to "SINGLE AND DOUBLE RESIDENTIAL" (Block 1), "ATTACHED HOUSING" (Blocks 2 and 3), and "MEDIUM DENSITY APARTMENTS" (Blocks 4 and 5).

COMMENTS:

The proposal does not comply with the intent of the Official Plan or the approved Ainslie Wood Neighbourhood Plan which designate the lands for "INDUSTRIAL" use. Since the proposal conflicts with Council adopted policies, given the size of the subject lands (approximately 19 ± ac.) and the potential impact on the balance of the neighbourhood, consideration of the application would necessitate a Neighbourhood Plan review to determine if the industrial designation should be changed and, if so, what the appropriate land use classification(s) would be.

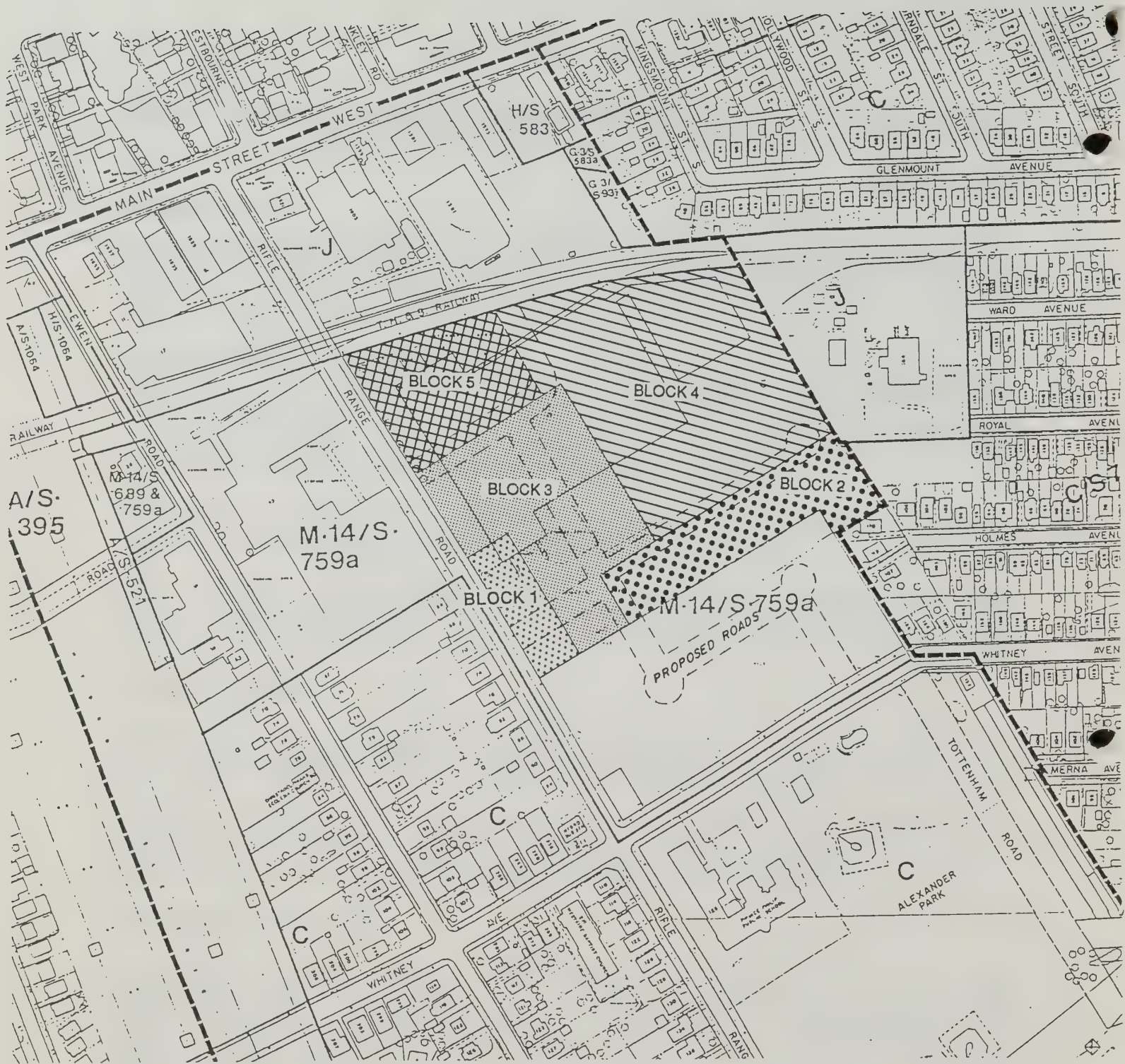
For the information of the Committee, it is anticipated that the review could be completed by September 1991 if it is identified as a priority demand responsive project.

CONCLUSION:

On the basis of the foregoing, Zoning Application 90-40 should be **TABLED** pending a Neighbourhood Plan Review.

GAW:ma/dkp

A:\ZA-90-40



Legend

Proposed changes in zoning from "M-14" (Prestige Industrial) District, modified to:

- | | | |
|---------|--|-----------------------------------------------------------|
| BLOCK 1 | | "R-4" (Small Lot Single-Family Detached) District. |
| BLOCK 2 | | "RT-20" (Townhouse-Maisonette) District. |
| BLOCK 3 | | "RT-30" (Street-Townhouse) District. |
| BLOCK 4 | | "E" (Multiple Dwellings, Lodges, Clubs, etc.) District. |
| BLOCK 5 | | "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District. |



9.

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: January 25, 1991
(ZA-90-86; Sheldon Neighbourhood)

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a change in zoning - No. 204 Rymal Road West.

RECOMMENDATION:

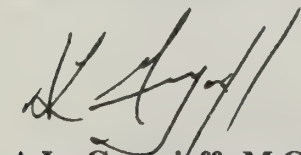
That approval be given to Zoning Application 90-86, Tony and Maria DiFranco, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit single-family development on property located at No. 204 Rymal Road West, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-17D for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

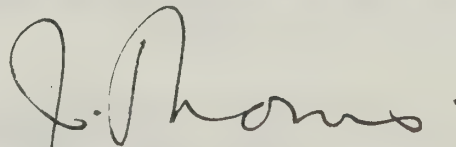
EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at No. 204 Rymal Road West, as shown on the attached map.

The effect of the By-law is to permit the severance of a lot with the existing single-family dwelling shown as Block "1", and future single-family residential development of the lands shown as Block "2".



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:● Proposal

The purpose of the proposed change in zoning is to permit the severance of a lot with the existing single-family dwelling shown as Block "1" and future single-family residential development of the lands shown as Block "2" fronting onto Rymal Road West.

● Regional Land Division Committee

At its meeting held on December 18, 1990 the Regional Land Division Committee considered and approved land severance application H-157-90 for consent to convey a parcel of land measuring 73' x 150' for residential purposes (Block "1"), and to retain an irregular shaped parcel of land having a frontage of 60' and an area of 47,635 sq.ft. for future development (Block "2"). Approval of the application is subject to, among others, the following conditions:

1. Satisfy all requirements of the City of Hamilton. (e.g. zoning)
2. Dedicate to the Regional Municipality of Hamilton-Wentworth sufficient land for road widening purposes, as requested by the Regional Engineer.

APPLICANT:

Tonino and Maria DiFranco, owners.

LOT SIZE AND AREA:

- 40.53 m (133.0 ft.) of lot frontage on Rymal Road West;
- 132.77 m (435.6 ft.) of lot depth; and,
- 5,374.7 m² (57,855 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Land</u>	single-family dwelling	"AA" (Agricultural) District

Surrounding Lands

to the north	vacant	"AA" (Agricultural) District
to the south	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	single-family dwellings	"AA" (Agricultural) District
to the west	single-family dwellings	"B" (Suburban Agriculture and Residential, etc.) District

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan, the proposal complies.

NEIGHBOURHOOD PLAN:

Designated for "SINGLE AND DOUBLE RESIDENTIAL" use on the draft proposed Sheldon Neighbourhood Plan. It should be noted that the Sheldon Neighbourhood Plan is expected to be completed during the summer of 1991. The proposal complies with the intent of the draft plan.

COMMENTS RECEIVED:

- The Building Department, Traffic Department, Hamilton Region Conservation Authority and the Hamilton-Wentworth Regional Police Department have no comments or objections.
- The Hamilton-Wentworth Regional Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

For the information of the applicant the designated road allowance width of Rymal Road is 36.0 m. In accordance with this designation, we recommend that as a condition of development approval that a strip of land as illustrated in the attached sketch be dedicated to the Region as a condition of development approval. This road widening is approximately 8.796 m in width and will be confirmed at such time as the applicant finalizes these matters.

In the absence of any details shown, we advise that any works which may occur within the Rymal Road road allowance, as widened, must conform to the Region's Roads Use By-law. The applicant requires an Access Permit for any new access onto Rymal Road.

As the applicant may be aware, the Mewburn West and the Sheldon Neighbourhood Plan have not been presented to or approved by Planning Committee and City of Hamilton Council. Therefore, all future streets and servicing costs will be dealt with at such time that the property is subdivided." For the information of the Planning and Development Committee members, the road widening will be acquired as a condition of land severance as previously noted in the background section of this report.

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal would comply with the intent of the draft Sheldon Neighbourhood Plan which proposes "Single and Double Residential" use of the subject lands. The Sheldon Neighbourhood Plan is expected to be approved during the summer of 1991.
3. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the Official Plan;
 - ii) it is compatible with existing and future planned development in the surrounding area;
 - iii) it represents an "infill" situation and does not interfere with the orderly development of the neighbourhood; and,
 - iv) there are both public watermains and separate storm and sanitary sewers available to service the subject lands.
4. The proposed lots have sufficient lot frontage and area to meet with the requested "C" District regulations.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW/ma
WPZA9086

10.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: January 25, 1991
(ZA-90-89)
Beasley Neighbourhood

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a modification in zoning - No. 252 James Street North.

RECOMMENDATION:

That approval be given to Zoning Application 90-89, The Rector and Church Warden's Of Christ Church Cathedral, owner, requesting a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations (Block "1") and the "H" (Community Shopping and Commercial, etc.) District regulations (Block "2"), to permit a columbarium (approximately 1,000 niches) within the existing church building, for property located at No. 252 James Street North, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variance as a special requirement:
 - a) That notwithstanding Section 10(1), a columbarium shall be permitted only within the church building existing at the date of the passing of the by-law.
- ii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:
 - a) That notwithstanding Section 14(1), a columbarium shall be permitted only within the church building existing at the date of the passing of the by-law.
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-3 be notated S- ;

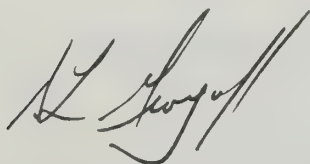
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-3 for presentation to City Council;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for modifications in zoning for property located at No. 252 James Street North, as shown on the attached map marked as APPENDIX "A", on the following basis:

- Block "1" - A modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations;
- Block "2" - A modification to the "H" (Community Shopping and Commercial, etc.) District regulations.

The purpose of the by-law is to permit a columbarium (approximately 1,000 niches) within the existing church building.



A.L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In addition to the Zoning Application, the Ministry of Consumer and Commercial Relations requires that the City approve the establishment of a columbarium under the Cemeteries Act. Accordingly, the City has published a notice in the Spectator indicating the church's intent. The Parks and Recreation Committee will consider the application to establish the use only as it relates to the Provincial requirements.

LOT SIZE AND AREA:

- 31.4 m (102.89 ft.) of lot frontage on James Street North;
- 30.96 m (101.58 ft.) of lot frontage on Hughson Street North;

- 92.3 m (300 ft.) of lot depth; and,
- 5,161 m² (54,525 ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	church	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District "H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Land Use</u>		
to the north, south and west	mixed residential - commercial buildings	"H" (Community Shopping and Commercial, etc.) District
to the east	two-family dwellings and rowhouses	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN:

The lands are designated "CENTRAL POLICY AREA" on Schedule "A". Institutional, public, commercial, residential, etc. uses are permitted within this designation. The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "CIVIC AND INSTITUTIONAL" in the approved Beasley Neighbourhood Plan. The proposal complies with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Departments and agencies have no comments or objections:
 - Traffic Department;
 - Public Works (Cemetery Division); and,
 - Hamilton Region Conservation Authority.

- The Building Department has advised that:

"Columbariums are only allowed in four (4) industrial zones, one (1) open space zone, one (1) agricultural zone and three (3) suburban agricultural zones."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermain and combined storm and sanitary sewers available to service these lands.

The designated road allowance width of James Street North is 26.21 m. The applicant/owner should be advised of a possible future widening of approximately 3.048 m to establish this designated width."

- LACAC staff has advised that:

"The proposed columbarium to be located in the basement is acceptable, as it does not affect any of the designated areas and fixtures (i.e. 4 exterior facades and the interior of the nave). Moreover, the columbarium will generate extra income for the church, which could assist with the cost of future maintenance and restoration work."

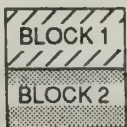
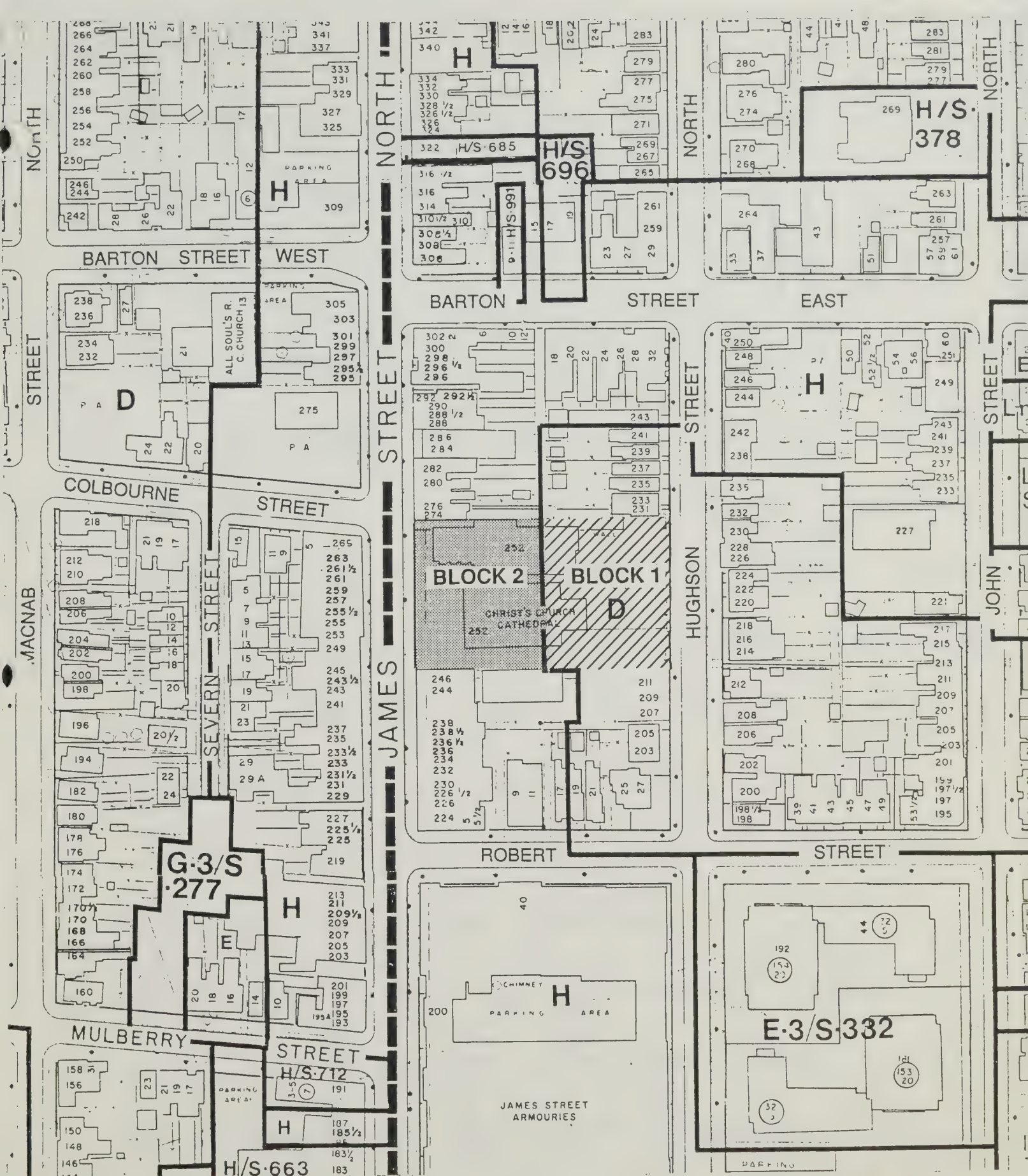
COMMENTS:

- 1) The proposal complies with the intent of the Official Plan and the approved Beasley Neighbourhood Plan.
- 2) The proposal has merit and can be supported for the following reasons:
 - a) it is compatible with the existing church functions;
 - b) there will be no exterior alterations to the designated building;
 - c) it complies with the intent of both the Official Plan and the Neighbourhood Plan; and
 - d) given the nature of the use and its location within the existing church, it should not have an affect on the surrounding land uses.
- 3) The applicant is required to receive approval from the Province and the City under the regulations of the Cemeteries Act to establish a columbarium. The Parks and Recreation Committee will consider Christ Church's application during the same week the Zoning Application is considered by the Planning and Development Committee.

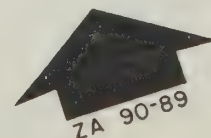
CONCLUSION:

Based on the foregoing, the proposal can be supported.

JHE/ma



Site of the Application



APPENDIX A

Jan 15/91

Secretary of the Planning and Development Dept.
City of Hamilton.

RE: ZA-90-89

10a.

Dear Secretary:

I wish to formally object to the granting of a zoning change application presented by the Rector and Church Warden of Christ Church Cathedral, 252 James St. North, Hamilton, for the purpose of establishing a columbarium in the church basement. The reasons for my objection are as follows:

- (a) It would set a precedent that could allow any religious body, sect or otherwise, legitimate or illegitimate, the right to store cremation ashes in their basement thus increasing the risk of

abuse to a sacred trust.

(b) Christ Church Cathedral, during the past decade, has demonstrated irresponsible decision making that have neither enhanced its ministry with-in the city and surrounding area nor reflected a measure of prudent spending of public funds. To think, that enhancing the exterior of a building would change the perception of its neighbours towards the people inside is equal to judging a book by its cover. Likewise in their attempt to convert part of the building into a day care centre; it just hasn't worked.

(c) The unchristian practice of cremation or burning a corpse is not in

Keeping with the churches' charter to promote the Christian faith in word and deed. Cremation, unless necessary for sanitary or urgent reasons, is based upon animal sacrifices and subject to ritual practices found in uncivilized nations. The Christian burial is a testimony to the hope of the resurrection from the dead for those who ^{have} fallen asleep in Jesus. Cremation can not be compared to those martyrs who were burned to the stake for their faith but rather is a desecrating of an individual's remains. The respect and dignity afforded a grave site burial reflect the careful handling of our Saviour's body by his followers after his

crucifixion. Therefore, for the Anglican church to encourage the practice of cremation and the storage of human ash for memorial purposes in a columbarium marks a denial of the Christian tenets to which they claim to adhere too.

(d) Last but not least is the children factor. Christ Church Cathedral and their rector Dean Harry Dawson have failed to provide for the necessities of spiritual life to the children in the public schools. They have neglected the trust given to them by God and this society. Historically, the Anglican Church was at the forefront of providing Christian religious education to our public schools and this has entirely wasted away.

A church that disregards the youth
of a nation cares not for its old.
It has tossed away the future. Because
Christ Church Cathedral and its rector
have lost their vision for the living
they can not be expected to provide
for the dead. Sacrilege is bound
to happen.

Yours truly

Klaas Detmar

P.O. Box 7285

Amcaster. Ont.

L9G 3N6

648-2556

11.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 29
(ZA-90-79; Mountain Industrial Area)

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

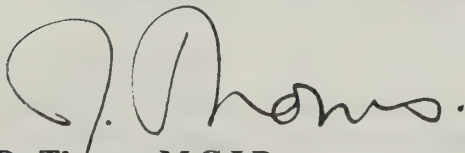
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a further modification in zoning - No. 1515
Upper Ottawa Street.

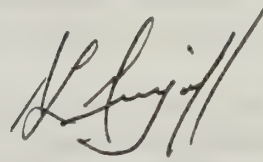
RECOMMENDATION:

That Zoning Application 90-79, Don Peppino Foods, Inc., lessee, requesting a further modification to the "M-12" (Prestige Industrial) District regulations, to legalize the existing restaurant, for property located at No. 1515 Upper Ottawa Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) it conflicts with the position of City Council, adopted August 24, 1989, to deny the application with respect to the request to permit a restaurant within the existing building. The applicant has not submitted any new or additional information to justify any change to established Council policy;
- ii) the proposal is more appropriately located on land zoned "M-11" (Prestige Industrial) District. In this regard, there are other suitably zoned properties within the Mountain Industrial Area on which the proposed use could be located; and,
- iii) it conflicts with the established intent of the "M-12" (Prestige Industrial) District which was designed to function as a wholesale commercial district and not solely for commercial uses;
- iv) approval of the application is premature pending completion of the "M" District review.



J.D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is proposing to legalize the existing restaurant. The solicitor for the owner of the property submitted a request to the Building Department (APPENDIX "B") requesting a zoning verification certificate for, among other uses, a restaurant (APPENDIX "C"). The certificate was issued on September 21, 1989 stating that a restaurant was not a permitted use.

On September 17, 1990, the Licensing Department issued a provincial offense ticket to the owner for operating a restaurant without the benefit of a City of Hamilton Restaurant License. The City's Licensing Administrator has advised that a conviction on this charge was subsequently obtained.

- Zoning Application 89-99

At its meeting of July 25, 1990, the Planning and Development Committee approved this application for a further modification to the "M-12" (Prestige Industrial) District regulations to legalize the existing offices for a construction company and property management office. City Council, at its meeting of July 31, 1990, adopted the recommendation of the Planning and Development Committee.

By-law No. 90-252, which implements the foregoing, came into effect on October 15, 1990.

- A-90-160

At its meeting of June 13, 1990, the Committee of Adjustment denied this application, which was submitted to permit the establishment of a restaurant use at No. 1515 Upper Ottawa Street, for the following reasons:

"The Committee having regard to the evidence of the Planning and Development Department is satisfied that the relief requested is beyond that of a minor nature and should more appropriately be dealt with via an amendment to the Zoning By-law.

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief requested herein is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 44 of The Planning Act, 1983."

• Zoning Application 89-36

At its meeting of August 16, 1989, the Planning and Development Committee denied this application which was a request for a change in zoning from "M-12" (Prestige Industrial) District to "M-11" (Prestige Industrial) District but supported an amended application to modify the existing "M-12" (Prestige Industrial) District regulations to legalize the existing travel agency and video store. The Committee denied the applicant's request to legalize the restaurant that was under construction at the time. City Council adopted the recommendation of the Planning and Development Committee at its meeting of August 24, 1989.

By-law No. 89-339, which implements the foregoing change in zoning, came into effect on January 4, 1990.

APPLICANT:

Don Peppino Foods, Inc., lessee.

LOT SIZE AND AREA:

The subject property has:

- 52 m (170.6 feet) of lot frontage on Upper Ottawa Street;
- 46.229 m (151.67 feet) of lot frontage on Unsworth Drive; and,
- 2,403.91 m² (25,874.9 square feet) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	travel agency, video store, restaurant, real estate office, offices for a property management company, and offices for a construction company	"M-12" (Prestige Industrial) District, modified
<u>Surrounding Lands</u>		
to the north	vacant	"M-12" (Prestige Industrial) District

to the south	banquet centre	"M-12" (Prestige Industrial) District, modified
to the west	single-family homes	"C" (Urban Protected Residential, etc.) District
to the east	wholesale commercial	"M-12" (Prestige Industrial) District

OFFICIAL PLAN:

The subject lands are designated "INDUSTRIAL" on Schedule "A" - Land Use Concept and are located within Special Policy Area 11 Schedule "B". The following policy should be noted:

- "A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:
- ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc. which are intended to directly serve the Industries and their personnel;"

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Designated "RESTRICTED COMMERCIAL" on the approved Mountain Industrial Area Plan, the proposal does not conflict with the intent of the neighbourhood plan.

COMMENTS RECEIVED:

- The following agencies have no comment or objection:
 - Hamilton Region Conservation Authority; and,
 - Local Architectural Conservation Advisory Committee staff.
- The Real Estate Department has advised that:

"We wish to advise that this Department is not in favour of any further commercialization of the subject property.

This site has already been granted some commercial uses and I am of the opinion that if further commercial uses are granted, Upper Ottawa will eventually look like the Upper James "Golden Mile".

- The Hamilton-Wentworth Economic Development Department has advised that:

"In view of the precedence set with the zoning modifications in two other cases, the Economic Development Department offers no objections to this application. However, with the number of dining establishments and banquet centres located throughout Stonechurch and Hamilton Mountain Industrial Parks, the addition of any more may jeopardize the land use integrity of the entire development."

- The Building Department has advised that:

1. The present zoning is M-12/S-1136 (By-Law 89-336) that is further amended by M-12/S-1136a (By-Law 90-252), which is not final and binding.
2. The proposed use is a restaurant, which is not permitted in an M-12 zoning district."

- The Traffic Department has advised that:

"... we have reviewed the above-noted application and find it satisfactory subject to the applicant being able to supply parking on the site at a rate of one space per six seats within the restaurant, over and above his requirement for the remaining building."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermain and separate storm and sanitary sewers available to service these lands.

Comments from the Traffic Department should be considered to ensure that the entrances are constructed to handle any service/commercial vehicles which may be generated by the commercial use."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not conflict with the intent of the approved Mountain Industrial Area Plan.

3. The proposal cannot be supported for the following reasons:
- i) the restaurant use is more appropriately located on land zoned "M-11" (Prestige Industrial) District. In this regard, there are other suitably zoned properties within the Mountain Industrial Area on which this use could be located;
 - ii) the "M-12" (Prestige Industrial) District is intended to be a wholesale district with limited commercial floor space solely in conjunction with the wholesale use. A restaurant is a commercial use and, thus, is not in keeping with the intent of the "M-12" District;
 - iii) the restaurant use was considered by the Planning and Development Committee as part of one previous application (ZA-89-36) and was denied. The applicant has not submitted any new or additional information to justify any change to established Council policy;
 - iv) approval of the application is premature pending completion of the "M" District review.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

MLT:mac
WPZA9079

INCH, EASTERBROOK & SHAKER
BARRISTERS & SOLICITORS

R. F. INCH, O.C. (1923-1977) J. F. EASTERBROOK, O.C. (1939-1977)
E. A. SHAKER, O.C.
P. G. FISHER
J. M. VICHRUCK
R. C. MARASON
M. J. VALENTE
L. RAFFERTY
C. A. BROADFOOT
P. D. V. CANNON
B. L. PAUL
C. A. MITASSEM
E. R. MOLT
R. A. IONICO

COUNSEL:
HON. ROBERT D. G. STANBURY, P.C., O.C.

TELEPHONE 1416 525 448
TELEFAX 1416 525 448
TELECOPIER 416 525 0038
CABLE ADDRESS: INCHLAW

SUITE 1500 COMMERCIAL
1 KING STREET WEST

P.O. BOX 783

HAMILTON, CANADA

L8N 3M6

BURLINGTON OFFICE 3365 HARVESTER ROAD

September 6th, 1989

City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

A 515 3000 FND

Attention: Building Department

Dear Sirs:

Re: 572897 Ontario Ltd. p/f 658414 Ontario Inc.
1515 Upper Ottawa Street, Hamilton, Ontario
CLOSING DATE: September 27th, 1989

We are acting for the purchasers and enclose the following:

1. Completed Zoning Verification Certificate;
2. Two copies of a plan of survey of the above property; and
3. \$ 60.00 in payment of your fee herein.

Kindly advise us:

1. If the applicable Restricted Area By-law permits the use thereof as ~~xxxxxx family xxxxxxxx~~ Commercial & Office Building zoned M-11.
2. If all necessary permits were obtained for any building or structure located on the property.
3. If the site grading and elevation were approved.
4. If the property complies with all municipal zoning requirements pertaining thereto.
5. If the property has been approved for ~~xxxxxx~~ if so, if the appropriate permit has been issued.

APPENDIX B

CITY OF HAMILTON
DEPARTMENT OF BUILDINGS
\$60.00
SEP 8 1989
REC BY DATE

INCH EASTERBROOK & SHAKER

6. If there is any issued and outstanding notice of violation, deficiency notice or work order pertaining to the property or if there is any proposal to issue any such notice or order.

Yours very truly,

INCH, EASTERBROOK & SHAKER

RA Ionico / per an

Ralph A. Ionico

RAI/dl
Encl.

ZV

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS
CITY HALL HAMILTON ONTARIO 526 2720
ZONING VERIFICATION CERTIFICATE

3000

3000

CHK
NOFOR 1515 Upper Ottawa Street Lot 47, Plan 62M-489
MUNICIPAL NO STREET

BETWEEN AND STREET

OWNER 658414 Ontario Inc. ADDRESS 1515 Upper Ottawa Street, Hamilton

PROPOSED USE Commercial and Office Building zoned M-11 - for travel agency, restaurant/
(BE SPECIFIC) catering, video store, variety store, construction company office, management
company office NUMBER OF commercial UNITS First Floor - 5PRESENT USE NUMBER OF commercial UNITS Second Floor - 2
(BE SPECIFIC)EXISTING BUILDING ☐

SIGNATURE

Ralph A. Ionico

PROPOSED BUILDING ☐

INFORMATION REQUESTED BY

AND ADDRESS TO WHICH CERTIFICATE



NAME

TINCH, EASTERBROOK & SHAKER

Barristers and Solicitors

VACANT LAND ☐

ADDRESS

1500-1 King Street West

P.O. Box 1783

SURVEYS (2) YES ☒

Hamilton, Ontario L8N 3A8

ATTACHED? NO ☐

DATE September 6th, 1989

NOTE: FOR BUILDING LOCATION EXAMINATION INCLUDE TWO (2) ORIGINAL SURVEY PLANS.

BELOW THIS LINE FOR BUILDING DEPARTMENT USE ONLY

FROM THE RECORDS ON FILE IN THE DEPARTMENT OF BUILDINGS ON THIS DATE, THIS PROPERTY IS LOCATED IN A M-12 DISTRICT.

SEE SECTION 17D OF ZONING BYLAW 6593 AS AMENDED BY BYLAW No.

AND COMMITTEE ADJUSTMENT No. DISTRICT MAP No. E-59D

See comments

THE PROPOSED USE: IS PERMITTED ☒ IS NOT PERMITTED ☒ IS A LEGALLY ESTABLISHED NON CONFORMING USE ☐THIS PROPERTY IS SUBJECT TO SITE PLAN CONTROL BYLAW NO. 79-275. YES ☒ NO ☐ for future development

COMMENTS Permitted uses: Catering, video store,

Non-Permitted uses: Travel agency, restaurant, variety store, construction company
office, Project management company office.The travel agency and variety store will be a permitted use provided the zoning
amendment application 89-36 becomes final.

The location of the building conforms as shown.

IMPORTANT: - THIS IS A ZONING VERIFICATION ONLY.

THIS CERTIFICATE DOES NOT INDICATE THAT AN EXISTING BUILDING OR ITS USE CONFORMS WITH THE REQUIREMENTS OF APPLICABLE
BYLAWS, AND REGULATIONS, NOR THAT A LICENCE WILL BE ISSUED IF REQUIRED, NOR THAT THE ZONING WILL NOT BE CHANGED AFTER
THE DATE OF ISSUANCE. COPIES OF THE CITY BYLAWS MAY BE OBTAINED FROM THE CITY CLERK

THIS CERTIFICATE IS ISSUED WITHOUT LIABILITY ON THE PART OF THE CITY OR ITS OFFICIALS.

ZONING VERIFICATION CERTIFICATE ISSUED BY

ZV No. 53074

BUILDING COMMISSIONER

FEES 30.00

DATE Sept. 21/89

CITY OF HAMILTON
- RECOMMENDATION -

12.

DATE: 1991 January 29
(ZA-90-82; Gibson Neighbourhood)

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a further modification in zoning - No. 19
Aikman Avenue.

RECOMMENDATION:

1. That approval be given to Zoning Application 90-82, Badima & Bosc Corporation, owner, requesting a further modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to expand the existing residential care facility from 45 beds to 57 beds, for property located at No. 19 Aikman Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, as amended by By-laws No. 86-174 and 89-47, applicable to the subject lands, be further modified to include the following variances as special provisions:
 - a) That notwithstanding Section 11.(i)(iiib) of By-law No. 6593, a residential care facility for the accommodation of a maximum of 57 elderly residents of at least 65 years of age shall be permitted only within the building existing at the date of the passing of this By-law;
 - b) That Section 11.(7) of By-law No. 6593 shall not apply;
 - c) That notwithstanding Section 18A. TABLE 1 1.(1) of By-law No. 6593, not less than 15 parking spaces shall be provided and maintained;
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-953b, and that the subject lands on Zoning District Map E-22 be notated S-953b;

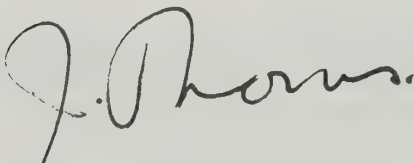
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-22 for presentation to City Council; and,
- iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. That By-law No. 89-47 be repealed in its entirety.

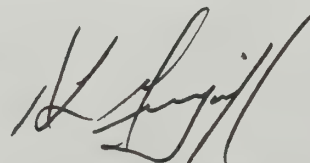
EXPLANATORY NOTE:

The purpose of the By-law is to establish a further modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, for property located at No. 19 Aikman Avenue, as shown on the attached key map.

The effect of the By-law is to permit the existing residential care facility for elderly persons (at least 65 years of age) to expand from 45 to 57 residents while providing 15 parking spaces instead of the required 19 parking spaces.



**J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department**



**A.L. Georgieff, M.C.I.P.,
Director of Local Planning**

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is proposing to expand the capacity of the existing residential care facility from 45 to 57 beds with fifteen parking spaces to be provided. The proposed increase in capacity can be accommodated within the existing building and no alteration or additional construction will be necessary. The applicant has advised that the existing building has capacity for 68 beds.

- Zoning Application 88-42

At its meeting of November 30, 1988, the Planning and Development Committee denied a zoning application to permit a 68 person privately run retirement home (residential care facility) on the subject lands. The reasons for denial were as follows:

- "a) inadequate parking can be accommodated on site (23 parking spaces required, 16 to be provided) creating spill over parking onto adjacent residential streets;
- b) it sets an undesirable precedent for future similar applications."

However, approval was given for an amended application to permit a residential care facility for elderly persons not less than 65 years of age with a maximum capacity of 45 beds. City Council, at its meeting of December 13, 1988, adopted the recommendation of the Planning and Development Committee.

By-law No. 89-47, which implements the modification in zoning, came into effect on March 7, 1989.

- Committee of Adjustment (A:86-193 and A:87-248)

In 1986 and 1987, the applicant sought relief from the Committee of Adjustment to reduce the side yard requirements. These additional variances were detected during the site plan approval process. The requested variances were granted.

- Zoning Application 85-96

In 1986, the subject lands were rezoned from "G-3" (Public Parking Lots) District to "E" (Multiple Dwelling) District, modified, to permit the development of the subject lands for a 4 storey, 12 unit apartment building with parking for 15 cars. By-law No. 86-174 implements this change in zoning.

- Zoning Application 90-62

At its meeting of October 24, 1990, the Planning and Development Committee approved a zoning application on adjoining lands to the east (Nos. 31, 33 and 35 Aikman) to permit the development of a 6 storey, 63 unit non-profit apartment building (Good Shepherd Non-Profit Homes Inc.).

By-law No. 90-329 was subsequently passed by Council on November 27, 1990. However, the By-law amendment has been appealed.

APPLICANT:

Badima & Bosc Corporation, owner.

LOT SIZE AND AREA:

The subject property has:

- 24.29 m (79.69 feet) of lot frontage on Aikman Avenue;
- 41.48 m (136 feet) of lot depth; and,
- 1,007.55 m² (10,845 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	45 bed residential care facility	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified
<u>Surrounding Lands</u>		
to the north	commercial	"H" (Community Shopping and Commercial, etc.) District
to the south	single-family dwellings	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the west	single-family dwelling	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the east	vacant land and vacant dwelling	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified (under appeal)

OFFICIAL PLAN:

Designated "COMMERCIAL" on Schedule "A" - Land Use Concept, the following policies are applicable:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:
- i) Residential uses subject to the following provisions:
 - a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impact emanating from neighbouring COMMERCIAL USES are mitigated;
 - b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;
 - c) in the case of a Residential use ancillary to a COMMERCIAL USE, sufficient amenity space will be provided exclusively for the Residential component and be physically separated from the COMMERCIAL component and associated customer parking areas; and,
 - d) satisfy the provisions of Subsections A.2.1 and C.7.
 - ii) Institutional Uses, regardless of site area and, in accordance with the provision of Subsection A.2.6 of the Plan."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Designated "MEDIUM DENSITY APARTMENTS" on the approved Gibson Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED:

- The following agency has no comment or objection:
 - Hamilton Region Conservation Authority.

- The Building Department has advised that:
 - "1. A residential care facility for the accommodation of fifty-seven (57) residents requires a minimum of nineteen (19) parking spaces.
 2. Is it the intent of this application to have the same age restriction as presently applicable.
 3. This development is subject to compliance with DA-86-45 by December 8, 1990."
- The Hamilton-Wentworth Social Services Department has advised that:

"The owner does not indicate in this application that the zoning modification will improve the quality of life for current or future residents.

Currently there is no shortage of residential care facility beds at this time. Consequently raising the ceiling on capacity does not appear to be necessary, at this time."
- The Traffic Department has advised that:

"The Zoning By-law requires that 19 parking spaces be provided on-site for this proposal. Only 15 parking spaces are available. However, due to the tenancy type of this building, we would support a variance for reducing the parking requirements."
- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service the subject lands. According to plans submitted by the applicant the existing fence encroaches into the Aikman Avenue road allowance. This fence encroachment is contrary to the City of Hamilton Streets By-law and remains at the sole risk of the applicant/owner.

Any other works which may occur within the Aikman Avenue road allowance must conform to the City of Hamilton Streets By-law.

According to our records the alley to the rear of the subject lands is public assumed."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal does not conflict with the intent of the approved Gibson Neighbourhood Plan.
3. The original application (ZA-88-42) to permit a 68 person privately run retirement home (residential care facility) was denied by the Planning and Development Committee and City Council for, among other reasons, the lack of required parking. However, approval was given to an amended application to permit a 45 person facility.

The permitted capacity (45 residents) was determined in accordance with the parking requirements of By-law 6593 (1 space/3 persons).

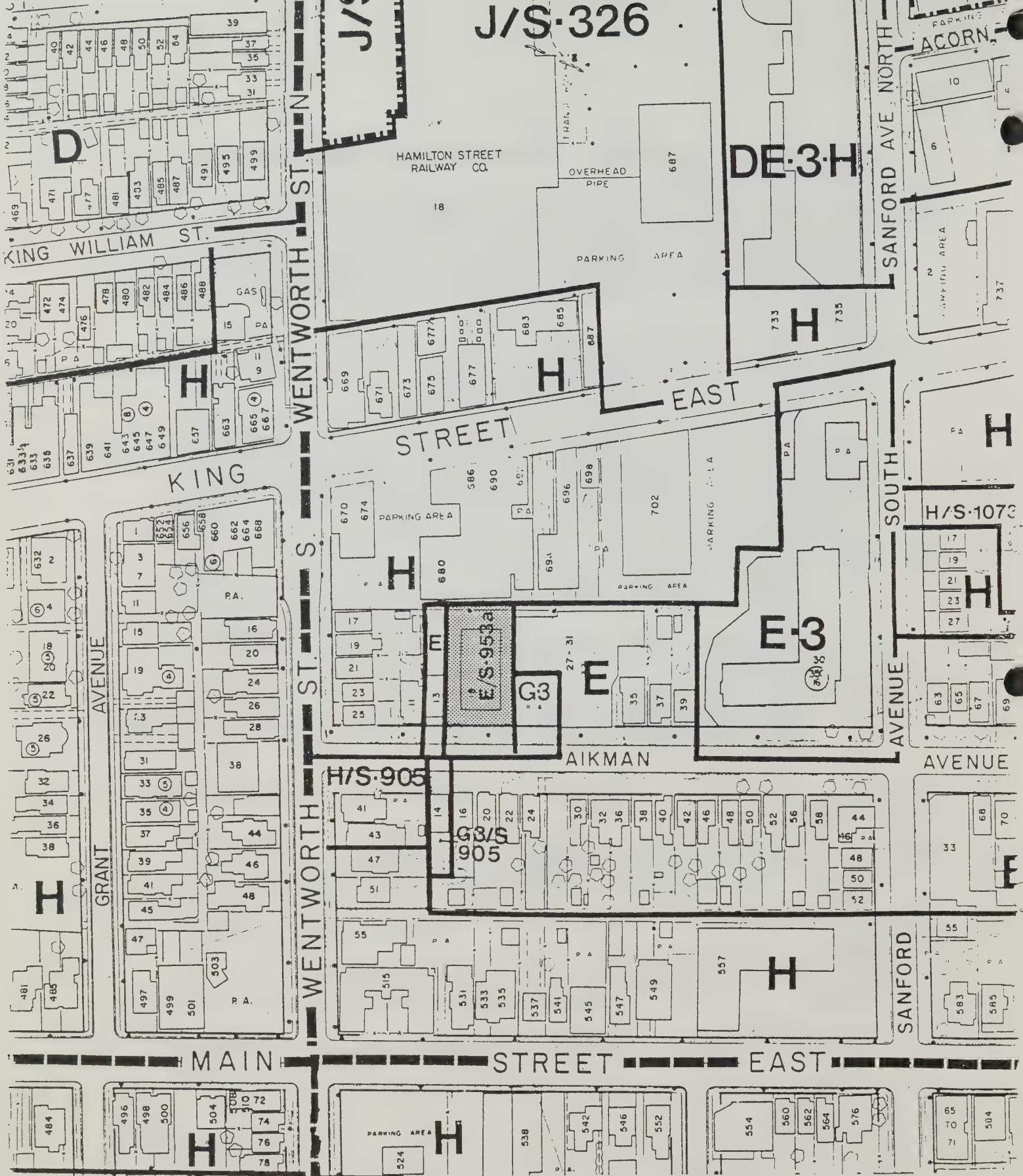
Although the proposal would provide for an increase of 12 residents (45 to 57), the Traffic Department has advised that it can support a variance to reduce the required parking from 19 to 15 spaces, due to the type of occupancy (i.e. seniors). Accordingly, the proposal has merit and can be supported for the following additional reasons:

- i) the proposed increase in the number of residents will be accommodated within the existing building thus maintaining the character of the area;
- ii) it is situated in close proximity to public transit and commercial facilities; and,
- iii) the proposed increase in capacity would be compatible with the existing and future planned development in this area.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

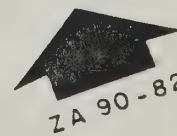
MLT:mac
WPZA9082



LEGEND



SITE OF THE APPLICATION



APPENDIX A

13.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: January 25, 1991
(ZA-90-80; Kernighan Neighbourhood)

REPORT TO: S. K. Reeder, Secretary Planning
and Development Committee

FROM: Mr. J. D. Thoms, Commissioner
Planning and Development Department

SUBJECT:

Request for a change in zoning - vacant lands north of Stone Church Road West and west of Upper James Street.

RECOMMENDATION:

- A. That approval be given to Zoning Application 90-80 Chrysler Canada Limited, owner, for a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District, to permit the storage of vehicles in conjunction with a Chrysler Canada dealership, for property located north of Stone Church Road West and west of Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the subject lands be rezoned from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District;
 - ii) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
 - 1. That notwithstanding Section 13C(1) the following Commercial Use shall be permitted :
 - a) the parking and display of cars for sale accessory to the existing use of land located at municipal No. 1350 Upper James Street.
 - 2. That a minimum 6.0 m wide landscaped planting strip shall be provided and maintained along the northerly and westerly lot lines;
 - 3. That a 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the northerly and westerly lot lines.

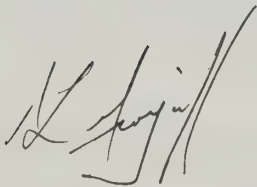
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-9C be notated S- ;
 - iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council;
 - v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That the amending By-law not be forwarded for approval by City Council until such time as a site plan is approved by the Planning and Development Committee.

EXPLANATORY NOTE:

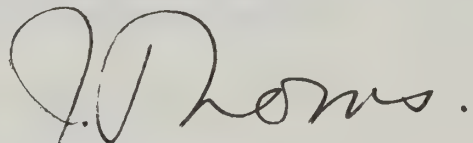
The purpose of this By-law is to provide for a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District for property located in the area north of Stone Church West and west of Upper James Street, as shown on the attached map.

The effect of the By-law is to permit the lands to be used for the parking and display of cars for sale in conjunction with the adjoining Chrysler Canada dealership. In addition, the By-law provides for the following variances as special requirements:

- a minimum 6.0 m wide landscaped planting strip to be provided and maintained along the northerly and westerly property lines;
- a 1.2 m to 2.0 m high visual barrier to be provided and maintained along the northerly and westerly property lines.



A. L. Georgieff, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the application is to provide for a change in zoning to "G-3" to permit the additional storage of vehicles on-site in conjunction with the Chrysler Canada dealership.

- By-law 75-325

On December 9, 1975 City Council passed By-law 75-325 which rezoned adjoining lands to the east owned by the applicant from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District to permit the parking and display of cars for sale accessory to the existing use of land located at No. 1350 Upper James Street.

APPLICANT:

Chrysler Canada Limited, owner.

LOT SIZE AND AREA:

Rear lands having:

- 37.30 m (122.38 ft.) of lot width;
- 80.66 m (264.63 ft.) of lot depth; and,
- 3,030 m² (32,615.7 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant land	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	vacant	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

to the south	car dealership	"H" (Community Shopping and Commercial, etc.) District modified
to the east	vehicle storage	"G-3" (Public Parking Lots) District modified
to the west	townhouses and vacant land	"RT-20" (Townhouse and Maisonette) District and "AA" (Agricultural) District

OFFICIAL PLAN:

Designated "COMMERCIAL" on Schedule "A" - Land Use Concept Plan and located within Special Policy Area 31 on Schedule "B" of the Official Plan. The following policies, among others, would apply:

- "A.2.2.16 While it is intended that any Commercial Use be permitted within the EXTENDED COMMERCIAL category, it is also intended that retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies, warehouse outlets...automotive sales, or other uses whose special nature or requirements of size, site and/or buildings are not conducive to location within Ribbon Commercial areas or Shopping Centres, be located within areas of similar large scale Highway Commercial uses.
- A.2.2.21 All outdoor storage areas will be fenced or suitably screened from adjacent Residential Uses. Council may permit the temporary storage of materials without screening for display or promotional purposes only, provided vehicular movement is not endangered, and that all parking requirements can be met.
- B.3.3.6 Where necessary and feasible, off-street PARKING, driveways and/or loading areas adjacent to Residential Uses will be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment. All PARKING areas will be suitably surfaced to resist degradation from the elements on use, and where deemed appropriate, be illuminated to facilitate and ensure the safety and convenience of pedestrian or vehicular access to the land uses served thereby."

On the basis of the foregoing, the proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Designated "COMMERCIAL" on the approved Kernighan Neighbourhood Plan. The proposal complies.

COMMENTS RECEIVED

- The Building Department, Traffic Department, and the Hamilton Region Conservation Authority have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and storm and sanitary sewers available to service these lands.

The designated road allowance width of Stone Church Road is 30.48 m. In accordance with this designation, the applicant should be advised of a future road allowance widening to establish the property line 15.24 m from the centreline of the original Stone Church Road road allowance. The designated road allowance width of Upper James Street is 36.58 m. According to our records, the Region previously acquired the required road allowance widening on Upper James Street by Instrument No. 188447 C.D. (Parcel 62) and shown as Part 2 on Reference Plan 62R-2851. In addition to the widening on Stone Church Road, we also at some future date will require a 12.19 m x 12.19 m daylight triangle widening taken from the widened northwest angle of Stone Church Road and Upper James Street.

Other details will be commented on at such time as site plans are submitted for our review."

COMMENTS

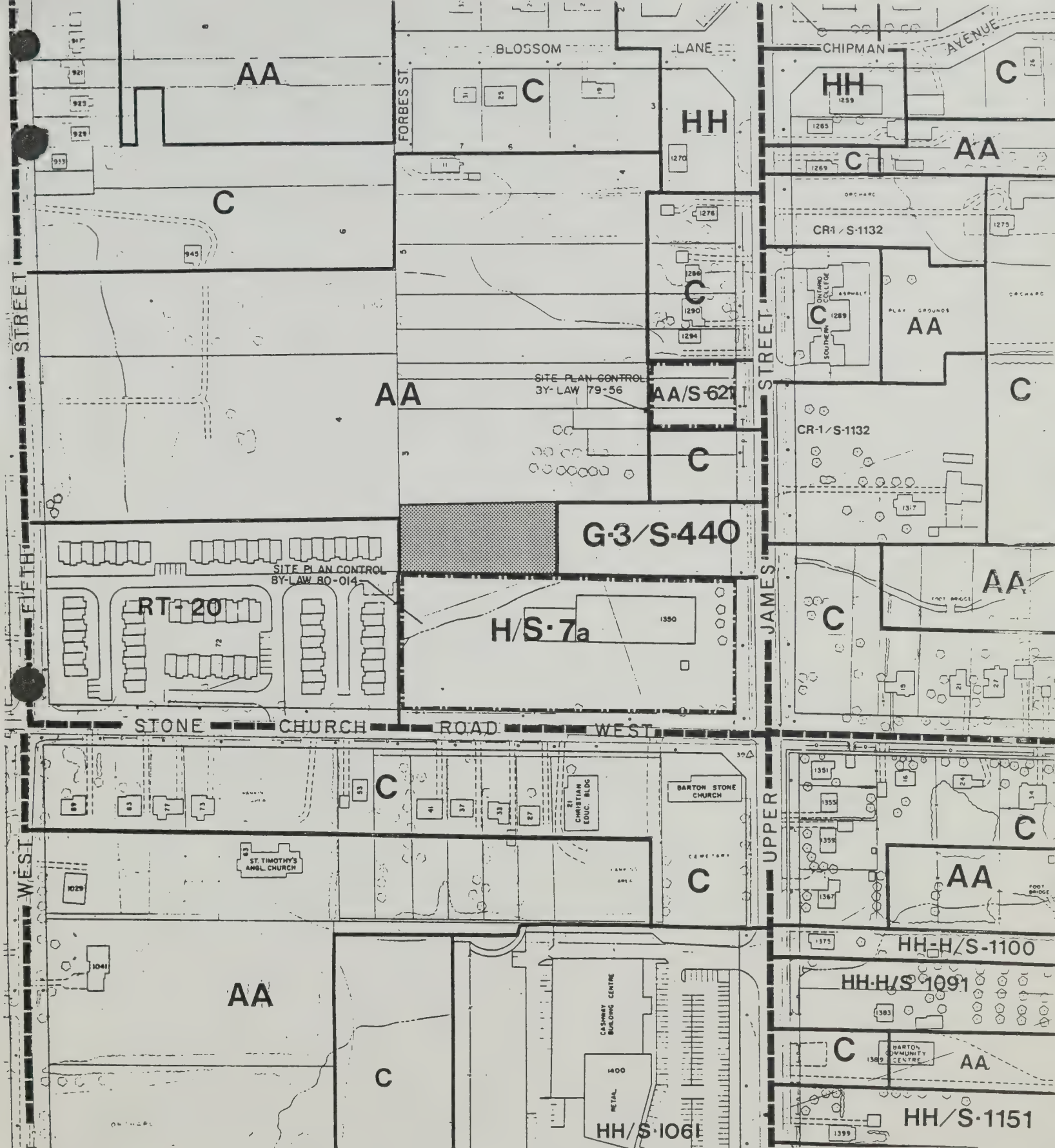
1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Kernighan Neighbourhood Plan. In keeping with the plan, a minimum 20' wide planting strip is required along the northerly and westerly lot lines. In this regard, it is suggested that this requirement be incorporated in the amending by-law.
3. The proposal has merit and can be supported for the following reasons:
 - it implements the intent of both the Official Plan and the approved Kernighan Neighbourhood Plan;
 - it would be compatible with the "G-3" zoning established under By-law 75-325 for adjoining lands fronting onto Upper James Street and would be compatible with commercial development to the south and east;
 - the proposed parking lot use would be ancillary to the principal use of the site, being a car dealership.
4. Development of lands within the "G-3" (Public Parking Lots) District is subject to the provisions of Site Plan Control By-law 79-275 as amended by By-law 87-223. Matters such as parking layout, landscaping, grading, fencing, lighting, etc. can be further reviewed at the site plan control stage of development.

In this regard, the amending By-law should not be forwarded for City Council's passage until such time as a site plan is submitted and approved by the Planning and Development Committee.

CONCLUSION

On the basis of the foregoing, the application can be supported.

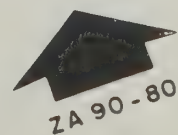
GAW/ma



LEGEND



CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT
TO "G-3" (PUBLIC PARKING LOTS) DISTRICT.



URBAN/MUNICIPAL

CA4 ON HBL A05

C51P4 1991

**PLANNING AND DEVELOPMENT COMMITTEE
1991 FEBRUARY 6TH**

C O N S E N T A G E N D A

DIRECTOR OF PUBLIC WORKS

- A. 1989-1990 Annual Audited Statements - Kirkendall - Strathcona Neighbourhood Improvement Programme (N.I.P.) Wesley Urban Ministries.

COMMISSIONER OF PLANNING AND DEVELOPMENT

- B. Extension of Draft Approval for "Wisemount Forest Survey" Subdivision.

DIRECTOR OF PROPERTY

- C. MacNab Street Truck Tunnel Easement to The Dominion Realty Company Limited.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 28

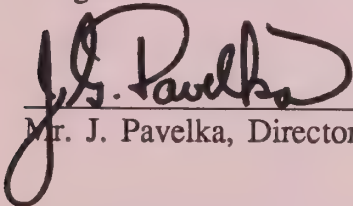
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. Pavelka,
Director of Public Works

SUBJECT: Kirkendall-Strathcona Neighbourhood Improvement
Programme (NIP) Wesley Urban Ministries;
1989-1990 Annual Audited Statements

RECOMMENDATION:

That the Wesley Urban Ministries Inc. financial statements for 1989 January 01 to 1991 March 31, audited by Pannell Kerr MacGillivray for the loan given by the City of Hamilton and the Ministry of Municipal Affairs and Housing under the Neighbourhood Improvement Programme to the Wesley Urban Ministries/Trustees of the Zion Congregation of the United Church of Canada for the construction and development of the Kirkendall-Strathcona Neighbourhood House be adopted.



Mr. J. Pavelka, Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On 1981 July 27, the City of Hamilton entered into an Agreement with Wesley Urban Ministries/Trustees of the Zion Congregation of the United Church of Canada to cover the terms and conditions of repayment of the sum of three hundred and seventy-five thousand dollars (\$375,000.) for the renovation of the Zion United Church to provide community and recreational services to the neighbourhood under the Neighbourhood Improvement Programme. This is a forgivable loan earned at forty-one dollars and five cents (\$41.05) per day until December 1990.

The Agreement stipulates that the audited financial statements and annual report for each year must be submitted to the City of Hamilton for approval. Their next statements will be for the 15 month period of 1990 January 01 to 1991 March 31 as approved by the City's auditors, P. K. McGill. This will be their final statement.

Attch.

cc: Mr. E. Matthews, City Treasurer
Treasury Department

Ms. P. Noe Johnson, City Solicitor
City Solicitor's Department

WESLEY URBAN MINISTRIES INC.
FINANCIAL STATEMENTS
JANUARY 1, 1989 to MARCH 31, 1990

Pannell
Kerr
MacGillivray

Chartered Accountants

M.P.O. Box 679
Standard Life Centre, Suite 650
120 King Street West
Hamilton, Ontario L8N 3M5
Telephone: (416) 523-7732
Facsimile: (416) 572-9333

AUDITORS' REPORT

To the Members of
Wesley Urban Ministries Inc.

We have examined the balance sheet of Wesley Urban Ministries Inc. as at March 31, 1990 and the statements of revenue and expenses and deficit for the period January 1, 1989 to March 31, 1990. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as we considered necessary in the circumstances, except as explained in the following paragraph.

In common with many charitable organizations, the organization derives revenue from donations and fundraising contributions the completeness of which is not susceptible to satisfactory audit verification. Accordingly, our verification of these revenues was limited to the amounts recorded in the records of the organization and we were not able to determine whether any adjustments might be necessary to donation revenues, excess of revenue over expenses, assets and deficit.

In our opinion, except for the effect of adjustments, if any, which we might have determined to be necessary had we been able to satisfy ourselves concerning the completeness of the revenues referred to in the preceding paragraph, these financial statements present fairly the financial position of the organization as at March 31, 1990 and the results of its operations for the period January 1, 1989 to March 31, 1990 in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

Pannell Kerr MacGillivray

Hamilton, Canada
April 24, 1990

CHARTERED ACCOUNTANTS

WESLEY URBAN MINISTRIES INC.

1

BALANCE SHEET

MARCH 31, 1990

A S S E T S

	1990	1988 (Dec. 31)
CURRENT		
Accounts receivable	\$ 114,760	\$ 56,368
Prepaid expenses	8,051	5,676
	-----	-----
	122,811	62,044
	-----	-----
FIXED ASSETS		
Cost	392,303	392,303
Less funds provided from grants and other sources	392,303	392,303
	-----	-----
	\$ 122,811	\$ 62,044
	=====	=====

L I A B I L I T I E S

CURRENT		
Bank loan (note 2)	\$ 62,000	\$
Bank overdraft	71,113	47,135
Accounts payable and accrued liabilities	19,844	16,325
Deferred revenue - grants		5,453
- other		3,000
Loan from Hamilton Presbytery Mission Council		25,000
	-----	-----
	152,957	96,913
	-----	-----

CONTINGENT LIABILITY (note 3)

D E F I C I T

DEFICIT	(30,146)	(34,869)
	-----	-----
	\$ 122,811	\$ 62,044
	=====	=====

APPROVED ON BEHALF OF THE BOARD

Director-----
Director

See accompanying Notes to the Financial Statements

Pannell
Kerr
MacGillivray

WESLEY URBAN MINISTRIES INC.

2

STATEMENT OF DEFICIT

FOR THE PERIOD JANUARY 1, 1989 TO MARCH 31, 1990

	1990 (note 6)	1988 (note 6)
DEFICIT - Beginning of period	\$ (34,869)	\$ (11,856)
Excess of revenue (expenses) for the year	4,723	(23,013)
DEFICIT - End of period	<u>\$ (30,146)</u> =====	<u>\$ (34,869)</u> =====

See accompanying Notes to the Financial Statements

WESLEY URBAN MINISTRIES INC.

3

STATEMENT OF REVENUE AND EXPENSES

FOR THE PERIOD JANUARY 1, 1989 TO MARCH 31, 1990

REVENUES	1990 (note 6)	1988 (note 6)
Church		
Block grant, Division of Mission	\$ 219,160	\$ 160,000
Hamilton Presbytery Mission Council		1,600
Local churches	58,155	47,055
Individuals	104,419	56,501
Offerings	308	253
Division of Mission	1,158	2,496
Special appeal (note 4)	28,292	
Grants		
Region of Hamilton-Wentworth	154,891	40,000
United Way		7,500
Government of Canada	101,016	108,165
Government of Ontario	322,624	96,469
Rental income	36,274	16,893
Fees for services		
Projects	1,281	2,146
Program services	4,473	6,313
Community		
Corporate donations	11,785	12,019
Groups and individuals	33,526	30,622
Interest	1,583	280
Conference Capital funds	15,000	
Salary recoveries - Victoria Park	20,899	
	-----	-----
	1,114,844	588,312
	-----	-----
EXPENSES		
Salaries and benefits	820,160	454,588
Staff and board development	8,324	2,534
Supplies for programs	79,308	23,638
Office supplies	14,898	13,170
Utilities	38,410	27,882
Telephone	20,273	13,676
Realty taxes	14	869
Maintenance, supplies and janitorial	31,640	19,302
Building and property	20,402	22,831
Insurance	8,207	5,528
Travel and van	19,164	7,842
Professional fees	3,706	1,500
Interest and bank charges	8,642	4,607
Write-off of prior year's grants	(126)	2,762
Fund raising	26,945	5,970
Miscellaneous	10,154	4,626
	-----	-----
	1,110,121	611,325
	-----	-----
EXCESS OF REVENUE (EXPENSES) FOR THE PERIOD	\$ 4,723	\$ (23,013)
	=====	=====

See accompanying Notes to the Financial Statements

Pannell
Kerr
MacGillivray

NOTES TO THE FINANCIAL STATEMENTS

MARCH 31, 1990

1. SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of Accounting

Revenues and expenditures are accounted for on the accrual basis.

(b) Revenue Recognition

Grants received to offset specific project costs are recognized as revenue to the extent of the costs incurred. The excess of grants received over costs to date is treated as deferred revenue.

(c) Fixed Assets

The accumulated costs of fixed assets, including land and building are not recorded.

Administrative equipment and furniture are expensed when purchased.

2. BANK LOAN

The bank loan is secured by a general security agreement.

3. CONTINGENT LIABILITY

During 1981, the corporation guaranteed a mortgage in favour of the City of Hamilton on behalf of the trustees of Zion United Church. The mortgage principal is being forgiven at a rate of \$ 41.05 a day beginning January 1, 1982 through the 25 year life of the mortgage by the provision of community services to be rendered by the corporation of Kirkendall - Strathcona Neighbourhood House of Zion United Church. The unforgiven balance at the end of the year approximates \$ 251,000. The mortgage has no provision for interest on the unforgiven balance.

4. SPECIAL APPEAL

The Board of Directors of Wesley Urban Ministries issued a special appeal to raise funds to be used to assist in reducing the Ministry's overdraft position. This amount has been funded by special donations from member congregations.

NOTES TO THE FINANCIAL STATEMENTS

MARCH 31, 1990

- 2 -

5. MINISTRY OF HOUSING PROJECT

Wesley Urban Ministries Inc. has been approved as a sponsor for a non-profit housing project. Under this arrangement, Wesley Urban Ministries is the registered owner of the project as well as the registered mortgagor.

All revenues, expenses, assets and liabilities of this project are essentially the responsibility of the Ministry of Housing for the Province of Ontario, and accordingly are not included in these financial statements.

6. CHANGE OF YEAR END

Wesley Urban Ministries has received permission to change its year end from December 31 to March 31. The change has occurred so the Ministries will have the same year end as the government ministries it receives most of its funding from. Due to this change this fiscal period contains fifteen months. The comparative figures are for the year ended December 31, 1988.

B.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 28
(25T-83004) (SA-83-02)

REPORT TO: Susan K. Reeder
Secretary of the Planning and Development Committee


FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

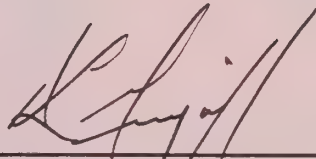
Extension of Draft Approval for "Wisemount Forest Survey" Subdivision.

RECOMMENDATION:

That the Region be requested to grant a one-year extension to the draft approval for "Wisemount Forest Survey" Subdivision (Regional File No. 25T-83004).



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



A. L. Georgieff, M.C.I.P.
Director
Local Planning Branch

BACKGROUND:

Owner:

S. Wise Construction Limited.

History:

"Wisemount Forest Survey" - Lisgar Neighbourhood:

Draft approved November 14, 1983, for 140 lots for single-family dwellings, 8 lots for semi-detached dwellings, 3 blocks for apartments (approximately 403 units) and one block for townhouses (approximately 90 units).

Stage 1 registered in May 1987, for 7 lots for single-family dwellings and 8 lots for semi-detached dwellings.

Phase 4 registered in July, 1988, for 13 lots for single-family dwellings. Phase 5 registered in October, 1989, for 10 lots for single-family dwellings. This plan has had four (4) previous extensions, (1986, 1987, 1988 and 1989).

Present lapsing date is February 14, 1991.

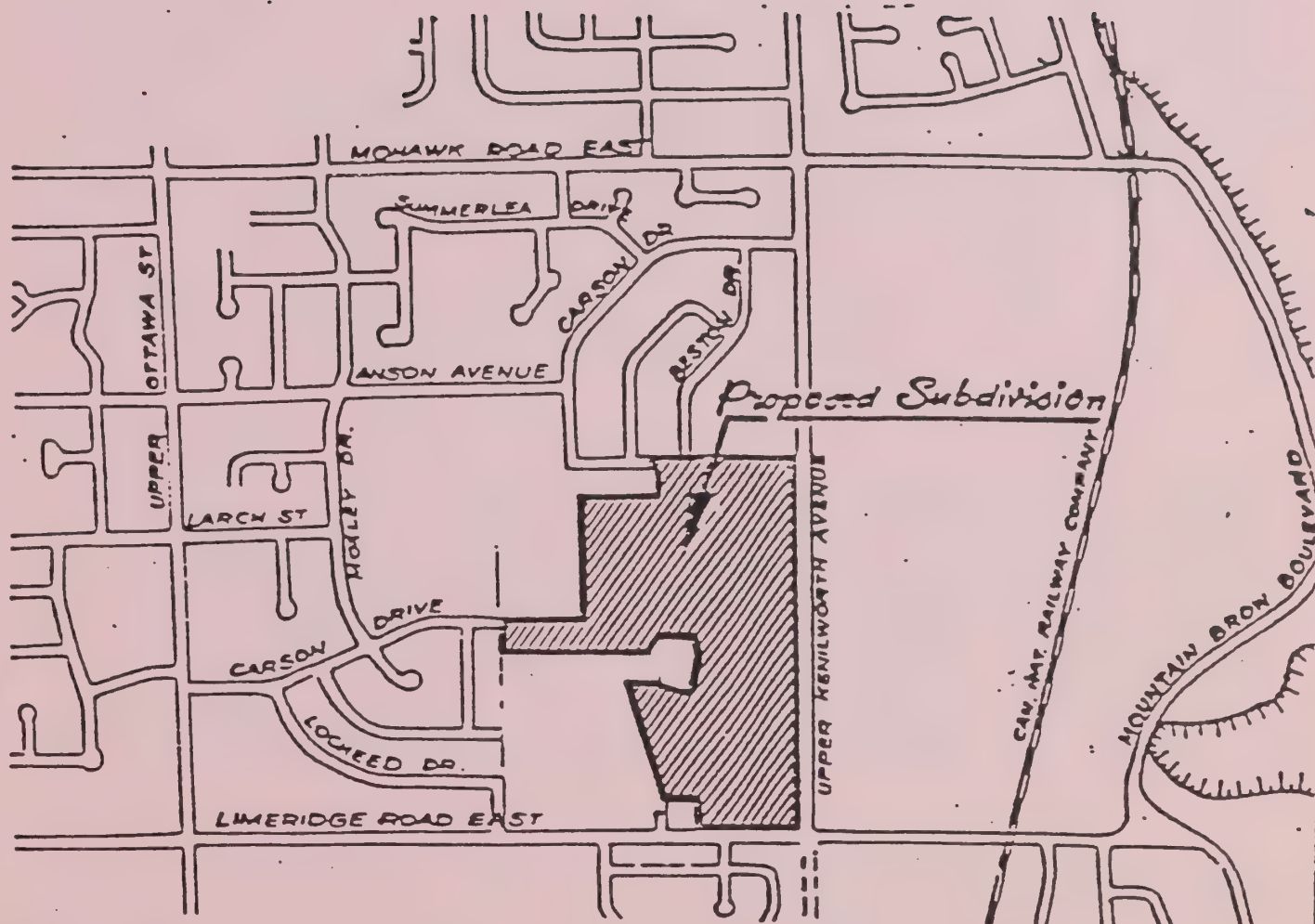
Requesting a further extension for an unspecified period on the basis that the owner will be registering the next phase in the near future, (i.e., 1991 - 1992).

CONCLUSIONS:

The City of Hamilton originally recommended approval of the aforementioned draft plan subject to certain conditions which were subsequently included in the conditions of approval established by Regional Council.

The conditions of approval are still appropriate and no requests have been made to revise the plan or the conditions, therefore, the extension should be supported on the basis of the usual extension of one year.

JLS/l
PLA.Rpts.
25T83004



Location Plan For
**WISEMOUNT FOREST
 SURVEY-PHASE 3**

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale

1:12,000

Date

83-03-03

Reference File No.

25T-83004

Drawing No.

83-H-25

CITY OF HAMILTON
- RECOMMENDATION -

C.

DATE: 1991 January 22

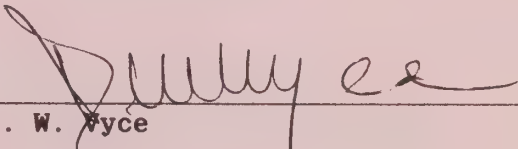
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: MacNab Street Truck Tunnel Easement
to The Dominion Realty Company Limited

RECOMMENDATION:

- a) That the City enter into an Agreement with The Dominion Realty Company Limited in a form attached hereto as Appendix "A" for the purpose of the City granting to Dominion Realty an easement to enter onto and use the truck route beneath Lloyd D. Jackson Square, King Street West and MacNab Street South, as a right-of-way for vehicular access for the purpose of providing access to the Dominion lands for Dominion, its tenants and suppliers. The easement will be enjoyed and used until October 31, 2069.
- b) That the Mayor and City Clerk be authorized to execute this Agreement.



D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A ✓

BACKGROUND:

In adopting Section 1 of the 8th Report of the Transport and Environment Committee on April 11, 1989, City Council authorized the leasing of a below grade parcel of land beneath MacNab Street to The Dominion Realty Company Limited for underground parking and loading docks to enable the C.I.B.C. Development at King and James Streets to have access to the City's MacNab Street Truck Tunnel. The lease was prepared and completed.

Paragraph 1(i) of the said Resolution also authorized the Director of Property to negotiate a Truck Tunnel Agreement with The Dominion Realty Company Limited to provide a tunnel easement to Dominion Realty.

A Law Department/Property Department Team (D. Powers and D. Vyce) have negotiated an Agreement which meets with our approval and one which we are prepared to recommend for Council's approval and execution by the Mayor and City Clerk.

The Truck Tunnel which is the subject of this report runs from York Boulevard southerly to Main Street West beneath the Lloyd D. Jackson Square, King Street West and MacNab Street. In granting a Vehicular Access Easement to First Phase Civic Square Limited (Lloyd D. Jackson Square), the City reserved the right to also grant an easement for vehicular access over the Vehicular Access Easement lands to certain others, one of which is the owner/developer of the lands at the south-west corner of King and James Streets known as the C.I.B. C. Development.

From the date of execution of the attached Agreement, the City will be granting to Dominion a non-exclusive easement in common with others for vehicular access over the Vehicular Access Easement lands, and to be limited to trucks and other vehicles delivering goods to, removing goods from or providing services to the owners or tenants of the Dominion lands. The easement is not to be used for the movement of persons to and from the Dominion lands.

The Agreement shall terminate on October 31, 2069. However, in the event the Loading Bay Lease Agreement with Dominion is extended beyond October 31, 2069, then this Easement Agreement shall be automatically deemed to be extended for a period equivalent to the renewal term of the Loading Bay Lease Agreement.

Attach.

c.c. Mrs. P. Noé Johnson, City Solicitor
Attention: Mr. D. Powers

(2719)

AGREEMENT

This Agreement made as of the day of , 199 ,

B E T W E E N:

THE DOMINION REALTY COMPANY LIMITED

(hereinafter called "Dominion")

OF THE FIRST PART,

- and -

**THE CORPORATION OF THE CITY OF
HAMILTON**

(hereinafter called the "City")

OF THE SECOND PART,

-and -

FIRST PHASE CIVIC SQUARE LIMITED

(hereinafter called "First Phase")

OF THE THIRD PART,

IN CONSIDERATION of the sum of One Dollar (\$1.00) now paid by each of the parties hereto to the other, the receipt and sufficiency of which is hereby acknowledged and in consideration of the mutual covenants herein contained, the parties hereto hereby agree as follows:

BACKGROUND, PURPOSE

1. Dominion is the owner of those lands in the City of Hamilton more particularly described in Schedule 1 Firstly hereto. Dominion and the City have entered into a lease of certain lands of the City under MacNab Street South which are described in Schedule 1 Secondly hereto for purposes of loading bays and parking for Dominion's development (the "Loading Bay Lease Agreement") which agreement has been registered in the said Land Registry Office on the 3rd day of October, 1989 as Instrument No. 10897 (the Schedule 1 Firstly and Secondly lands are herein referred to as the "Dominion Lands").

2. First Phase is the lessee under a Ground Lease dated as of the 30th day of October, 1970, and registered in the Registry Office for the Registry Division of Wentworth on the 30th day of March, 1971, as Instrument No. 199968A.B. which Lease has been amended under an Agreement made as of the 1st day of October, 1974, (the "Ground Lease Amendment Agreement") and registered in the said Registry Office on the day of , 19 , as Instrument No. , and in the Land Titles Office for the said Registry Division on the day of , 19 , as Instrument No. (hereinafter collectively called the "First Phase Ground Lease"). The lands leased to First Phase under the terms of the First Phase Ground Lease are hereinafter referred to as the "First Phase Lands". First Phase and the City agree that Yale Properties Limited, as guarantor under the First Phase Ground Lease, does not need to join herein.

3. Under the terms of the First Phase Ground Lease the City has granted an easement in favour of First Phase for vehicular access over, along and upon those lands identified as Firstly, Secondly, Thirdly, Fourthly and Fifthly in paragraph (b) of Revised Schedule C attached to the Ground Lease Amendment Agreement and which lands are more particularly described on Schedule 2 hereto (the "Vehicular Access Easement Lands").

4. In furtherance of their mutual obligations under the terms of the First Phase Ground Lease, the City (as to that portion lying south of the north limit of King Street West) and First Phase (as to that portion lying north of the north limit of King Street West) have constructed a tunnel for vehicular traffic within the Vehicular Access Easement Lands (the "Tunnel").

5. The City reserved unto itself in the grant of the vehicular access easement to First Phase, the right to grant an easement for vehicular access over the Vehicular Access Easement Lands to:

- i) to the "Lessee" of "Part Two" as described in the "Development Agreement" (as defined in the First Phase Ground Lease);
- ii) to the developer of the lands lying to the south of the south limit of King Street West, to the north of the existing store of The G.W. Robinson Company, Limited, to the east of the east limit of MacNab Street South and to the west of the west limit of James Street South; and
- iii) at the option of the City, to The G.W. Robinson Company, Limited;

all as provided more particularly under paragraph (b) of Revised Schedule C attached to the Ground Lease Amendment Agreement.

6. Second Phase Civic Square Limited ("Second Phase") is the "Lessee" of "Part Two" as referred to in subparagraph 5(i) above. Second Phase is the lessee under a ground lease dated as of November 19, 1975, and registered in the Registry Office for the Registry Division of Wentworth on the 16th day of August, 1976, as Instrument No. 21613C.D. (hereinafter called the "Second Phase Ground Lease").

7. Under the terms of the Second Phase Ground Lease, the City has granted an easement in favour of Second Phase for vehicular access over, along and upon the Vehicular Access Easement Lands and Second Phase, therefore, is a user of the

Tunnel and a contributor to the sharing of the costs of the repair, maintenance and replacement thereof.

8. The City reserved unto itself in the grant of the vehicular access easement to Second Phase, the right to grant an easement for vehicular access over the Vehicular Access Easement Lands to the developer of the lands described in subparagraph 5(ii) above.

9. The Dominion Lands are the lands referred to in subparagraph 5(ii).

10. Dominion has constructed a sixteen storey office tower building on the east portion of the Dominion Lands and now intends to improve the west portion of the Dominion Lands with a sixteen storey office tower building and has requested the City to grant to it a vehicular access easement over the Vehicular Access Easement Lands.

11. Under the terms of paragraph (b) of Revised Schedule C attached to the Ground Lease Amendment Agreement, the sharing of the costs of the repair, maintenance and replacement of the vehicular access easement and Tunnel with users other than the City and First Phase shall be as agreed upon by the City, First Phase and such other users.

GRANT OF EASEMENT

12. The City from and after the date of execution hereof by the City (the "Effective Date") hereby grants to Dominion a non-exclusive easement in common with others entitled thereto from time to time for vehicular access (the "Vehicular Access Easement") over, along and upon the Vehicular Access Easement Lands and such easement is declared to be appurtenant to and for the benefit of the Dominion Lands.

13. Dominion acknowledges and agrees with the City that under the terms of the First Phase Ground Lease and the Second Phase Ground Lease the City has reserved unto itself under the Vehicular Access Easement Lands a subsurface easement for the "MacNab Street Sewer" upon the terms as more particularly set out in the First Phase Ground Lease and the Second Phase Ground Lease, and that the grant of the Vehicular Access Easement by the City to Dominion is hereby subject to the reservation in favour of the City of the MacNab Street Sewer subsurface easement and the rights granted herein to Dominion are subject to the same limitations imposed upon the lessee under the First Phase Ground Lease and the Second Phase Ground Lease.

14. Dominion hereby acknowledges that the Vehicular Access Easement is subject to the continuing access to the Hamilton Central Stall Holders Farmers' Market, the Vehicular Access Easement being subject to the full and free continuing rights of access of such users, and further acknowledges that the said Vehicular Access Easement shall be used only in a one way southbound direction and that there shall be no ingress to any underground parking south of the north limit of King Street West, all as more particularly set out in the First Phase Ground Lease and the Second Phase Ground Lease.

15. Dominion acknowledges that The Royal Bank of Canada (the "Royal Bank") under an assignment agreement dated May 1, 1989, and registered the 11th

day of May, 1989 as Instrument No. 506800 C.D. (Registry Office) and on December 18, 1989, as Instrument No. 270000 LT (Land Titles Office) is the assignee of the interest of Robinson Securities Limited under an agreement dated June 13, 1972 between the City, First Phase, Yale Properties Limited, Robinson Securities Limited and The G.W. Robinson Company Limited (the "Robinson Agreement"), which agreement is appended to the Royal Bank Assignment Agreement as Schedule "A".

16. Dominion and First Phase further acknowledges that the City intends to grant to Eaton Properties Limited and to The T. Eaton Realty Company Limited (collectively "Eatons") a vehicular access easement over a portion of the Vehicular Access Easement Land, including the right to proceed in a northerly direction over that portion of the Vehicular Access Easement Lands described as Parts 1 and 2, Plan 62R-10188.

17. Dominion acknowledges and agrees with the City and First Phase that the use of the Vehicular Access Easement shall be limited to trucks and other vehicles delivering goods to, removing goods from or providing services to the owners, tenants, subtenants, licensees and the occupants of the Dominion Lands; and that in no event shall the Vehicular Access Easement be used for the movement of persons to and from the Dominion Lands.

18. Dominion acknowledges and agrees with the City that the Vehicular Access Easement shall, subject to the provisos set out below, terminate on October 31, 2069. In the event that the Loading Bay Lease Agreement has been renewed for any term or terms extending beyond October 31, 2069, then this Agreement shall be automatically deemed to be extended for a period of time equivalent to such renewal term or terms of the Loading Bay Lease Agreement.

19. (a) In the event that Dominion shall no longer require the Vehicular Access Easement it may upon thirty (30) days' notice to the City abandon the Vehicular Access Easement which shall thereupon terminate Dominion's liability hereunder to reimburse First Phase under paragraph 22 below for repairs, maintenance and replacement occurring after the date of such abandonment and termination, saving and excepting its liability to reimburse First Phase for expenses for repairs, maintenance and replacement incurred up to the date of such abandonment and termination.

(b) In the event that Dominion shall abandon the premises leased to it by the City under the Loading Bay Lease Agreement, the City may on 30 days' notice to Dominion terminate the easement to Dominion granted under paragraph 12 hereof.

REPAIRS AND MAINTENANCE

20. The City agrees with Dominion that the City shall pay for the repairs, maintenance and replacement of that portion of the Tunnel lying to the south of the north limit of King Street West.

21. First Phase agrees with Dominion that subject to the provisions of paragraph 22 below, First Phase shall pay for the repairs, maintenance and replacement of that portion of the Tunnel lying to the north of the north limit of King Street West.

22. Dominion acknowledges that under the terms of paragraph 7 of the Robinson Agreement, the Royal Bank (as assignee of Robinson Securities Limited) has

agreed to reimburse First Phase for part of the annual cost of First Phase for repairing, maintaining and replacing that portion of the Tunnel lying north of the north limit of King Street West upon the terms and conditions as more particularly set out in paragraph 7 thereof. Dominion acknowledges and agrees that First Phase is entitled to recover the total cost (net of First Phase's fair share) of the repair, maintenance and replacement of that portion of the Tunnel lying north of the north limit of King Street from such persons who may be granted an easement for the use of the Tunnel upon such terms as shall be agreed upon between such persons and First Phase. Dominion agrees with First Phase to contribute from the Effective Date to such costs upon such terms as may be agreed to between Dominion and First Phase and failing agreement to be settled by arbitration in accordance with the provisions of paragraph 28 below.

23. (a) Notwithstanding that Dominion shall have complied in all respects with its obligations under this Agreement, if First Phase wishes to relocate the existing Tunnel and the Vehicular Access Easement and to construct a new tunnel at a location within the leased lands of First Phase, and First Phase has agreed to surrender up to the City that portion of the First Phase Ground Lease leased lands required for the location of the new vehicular access easement, and the City has agreed to such request and to provide a vehicular access over, along and through the same (and nothing herein shall be construed in any manner as suggesting the City has or may consent to such request) then, on not less than one (1) year's prior written notice to Dominion given by the City, the City may replace and terminate the Vehicular Access Easement upon the City granting to Dominion the permanent and temporary easements described in subparagraph 23(b) below.

(b) In the event that notice is given to Dominion under subparagraph 23(a) above, the City shall provide for an alternate vehicular access easement permitting Dominion access to and egress from the underground loading dock facility forming a part of the "Loading and Ramp Improvements" as defined in the Loading Bay Lease Agreement (the "Loading Dock Facilities") servicing the Dominion Lands which access and egress shall be reasonably equivalent to the access provided for under this Agreement. Such alternate vehicular access easement may be temporary during construction (whether before or subsequent to the termination as aforesaid) and will be specifically determined and granted thereafter on the same terms and conditions as are contained herein, provided that during construction of such alternative vehicular access, the temporary vehicular access permits reasonable access to and egress from the Loading Dock Facilities.

ADDITIONAL AGREEMENTS

24. Dominion shall and does hereby at all times indemnify and save harmless the City and First Phase and any one or more of them from and against all actions, causes of action, interest, claims, demands, costs, damages, expenses or loss which the City and First Phase or any one or more of them may bear, suffer or be put to by reason of any damage to property, including without limitation, to the MacNab Street Sewer, or injury or death to persons caused by the use, construction, repair, maintenance, removal or operation by Dominion, its tenants, subtenants, licensees, occupants, and their invitees, including the suppliers of goods and services to the Dominion Lands of the Vehicular Access Easement or the Tunnel. Dominion agrees that its indemnity hereunder shall survive the expiry of this Agreement through early termination or otherwise in respect of any matter or occurrence arising up to the date of such expiry.

25. The use of the Vehicular Access Easement shall be controlled in such reasonable manner as may be agreed upon by the City and First Phase having regard to the users of such Vehicular Access Easement and the obligation of First Phase and the City to repair, replace and maintain their portions of the Tunnel. Such exercise of control shall not derogate from the grant of easement herein. In the event that in the opinion of Dominion the use of the Vehicular Access Easement is not being controlled reasonably, Dominion shall have the right to arbitration under paragraph 28.

26. Dominion agrees with the City and First Phase that in the event that the Loading Bay Lease Agreement expires through early termination or otherwise that this Agreement shall thereupon terminate.

27. This Agreement may only be assigned by Dominion to any permitted assignee of Dominion under the Loading Bay Lease Agreement provided any such assignee shall assume and obligate itself to the City and First Phase in respect of all obligations of Dominion hereunder, and provided that Dominion shall remain liable for all its obligations hereunder unless such assignee shall also become the owner of the fee simple of the lands described in Schedule 1 Firstly, hereto and the lessee of the lands described in Schedule 1 Secondly, hereto.

28. If Dominion and First Phase do not agree as to any of the matters which are by the provisions hereof to be determined by arbitration, any such disagreement shall be decided by a single arbitrator pursuant to provisions of the *Arbitrations Act* R.S.O. 1980 c. 25, and any amendments thereto or by any reenactment thereof and amendments thereto.

29. In the event that the Dominion Lands shall be used for a purpose other than as set out in paragraph 10 hereof, the parties agree to review the use of the Vehicular Access Easement, taking into consideration the potential traffic in the Tunnel, and acting reasonably will amend this agreement as required.

30. A notice required or contemplated to be given or made hereunder shall be in writing and either delivered personally or sent by telegram, telegraph, telex, telecopy or other means of electronic telecommunication or by registered mail postage prepaid addressed as follows:

(a) in the case of Dominion:

The Dominion Realty Company Limited
c/o Canadian Imperial Bank of Commerce
Commerce Court Postal Station
Toronto, Ontario
M5L 1A2

Attention: Corporate Secretary

(b) in the case of the City:

The Corporation of the City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: City Clerk

(c) in the case of First Phase:

First Phase Civic Square Limited
c/o Yale Properties Limited
2015 Peel Street
Montreal, Québec
H3A 1T8

Attention: President

with a copy to:

Milligan, Gresko, Charuk & Rogers
Barristers and Solicitors
Suite 330, Robert Thomson Building
110 King Street West
Box 738, M.P.O.
Hamilton, Ontario
L8N 3M8

Attention: James G. Milligan

or such other address of which either party may from time to time notify the other in writing. The time of giving or making such notice shall be (i) if delivered or sent by means of electronic telecommunication, when so delivered or sent, (ii) if mailed in Canada, other than during an actual or threatened postal disruption, on the second business day following the date of mailing, and (iii) otherwise when received.

This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

**THE DOMINION REALTY COMPANY
LIMITED**


Name:

Title: PRESIDENT

c/s



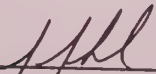
THE CORPORATION OF THE CITY OF
HAMILTON

Mayor:

c/s

Clerk:

FIRST PHASE CIVIC SQUARE LIMITED

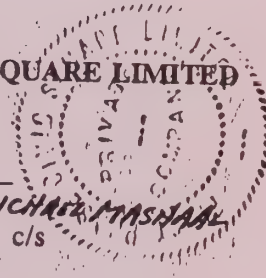


Name: ~~Emilio Mashaal~~ *MICHAEL MASHAAL*

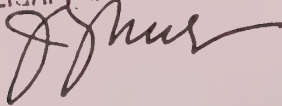
Title: ~~President~~


VICE-PRESIDENT

c/s



MILLIGAN, CIESKO & CHAIKIN





Name: James O. Milligan

Title: Secretary

SCHEDULE 1

FIRSTLY (Land Titles) Legal Description of Dominion Lands (fee simple)

In the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, being composed of Lots A, A2, B, B2, C, C2, D, E, FF, G, G2, H, H2, I, J, K and Alley XX, according to Plan No. 201 (Bank of Hamilton Survey), and part of Lots 2, 3, 4 and 21, according to Peter Hunter Hamilton Survey, (unregistered) being in the Block bounded by King, James, Main and MacNab Streets, designated as PARTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 on Reference Plan 62R-8203, deposited in the Land Registry Office for the Land Titles Division of Wentworth, at Hamilton.

Subject to agreements registered as Instruments 188380 A.B. and 199862 A.B., affecting Part of Lots J, K, A and A2, Registered Plan No. 201 (Bank of Hamilton Survey) and Part of Lot 21, according to Peter Hunter Hamilton Survey, (unregistered) designated as PARTS 10, 11, 12 and 13 on the said Reference Plan 62R-8203.

Being all of Parcel A-1 in the register for Section W 201(c).

SECONDLY (Registry) Legal Description of Dominion Lands (leasehold)

Part 1 (Parking Area)

In the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, being composed of part of Lot 5 according to the P.H. Hamilton Survey (unregistered), in the block bounded by King, James, Main and MacNab Streets, and now being part of MacNab Street South, as widened by By-Law 76-11 (Instrument Number 01162 C.D.) amended by By-Law 76-185 (Instrument Number 17526 C.D.) designated as Part 1 on Plan 62R-10530 as closed by By-Law Number 89-190 registered as Instrument Number 8144.

Part 2 (Loading and Ramp Area)

In the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, being composed of Parts of Lots 5 and 20 according to the P.H. Hamilton Survey (unregistered), in the block bounded by King, James, Main and MacNab Streets and now being part of MacNab Street South as widened by By-Law Number 76-11 (Instrument Number 01162 C.D.) amended by By-Law Number 76-185 (Instrument Number 17526 C.D.) designated as Parts 2 and 3 on Plan 62R-10530 as closed by By-Law Number 89-190 registered as Instrument Number 8144.

In the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, being composed of part of Lot 4 according to the P.H. Hamilton Survey (unregistered), in the block bounded by King, James, Main and MacNab Streets, and now being part of an assumed highway designated as Part 4 on Plan 62R-10530 as closed by By-Law Number 89-190 registered as Instrument Number 8144.

SCHEDULE 2

The Vehicular Access Easement Lands

In the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of:

Firstly:

Part of Lots 23 and 40 P. H. Hamilton Survey designated as Part 1 on Reference Plan 62R-1524.

Secondly:

Part of Lots 5, 20 and 23 P. H. Hamilton Survey and part of King Street lying between the northern limit of Lot 5 and the northern limit of King Street as widened by City of Hamilton By-law No. 70-336 dated November 10, 1970, and registered as Instrument No. 187452 A. B. designated as Part 2 on the said Reference Plan 62R-1524.

Thirdly:

Part of MacNab Street as shown on Andrew Miller's Survey registered in the Land Registry Office for the Registry Division of Wentworth as Plan No. 50, said MacNab Street now closed by City of Hamilton By-laws Nos. 70-277 and 70-305 dated September 29th, 1970, and October 27th, 1970, respectively and registered in the said Land Registry Office as Instrument Nos. 182919 A.B. and 185464 A.B. respectively, designated as parts 3, 4 and 5 on Reference Plan 62R-1524.

Being part of freehold Parcel 1-1, in the register for Section W-50.

Fourthly:

Part of MacNab Street as shown on Andrew Miller's Survey registered in the said Land Registry Office as Plan No. 50, said MacNab Street now closed by City of Hamilton By-law No. 70-277 dated September 29th, 1970 and registered as Instrument No. 182919 A.B. designated as Parts 6, 7 and 8 on Reference Plan 62R-1524.

Being part of freehold Parcel 1-1, in the register for Section W-50.

Fifthly:

Part of MacNab Street as shown on Andrew Miller's Survey registered in the said Land Registry Office as Plan No. 50 and on David Kirkendall's Survey registered in the said Land Registry Office as Plan No. 39, said MacNab Street now closed by City of Hamilton By-law No. 70-277 dated September 29th, 1970, and registered as Instrument No. 182919 A.B. designated as Parts 9, 10 and 11 on Reference Plan 62R-1524.

Being part of freehold Parcel 1-1, in the register for Section W-50.

CA4 ON HBL AOS

URBAN/MUNICIPAL

C51P4

1991

**PLANNING AND DEVELOPMENT COMMITTEE
1991 FEBRUARY 6TH**

C O N S E N T A G E N D A

DIRECTOR OF PUBLIC WORKS

- A. 1989-1990 Annual Audited Statements - Kirkendall - Strathcona Neighbourhood Improvement Programme (N.I.P.) Wesley Urban Ministries.

COMMISSIONER OF PLANNING AND DEVELOPMENT

- B. Extension of Draft Approval for "Wisemount Forest Survey" Subdivision.

DIRECTOR OF PROPERTY

- C. MacNab Street Truck Tunnel Easement to The Dominion Realty Company Limited.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 28

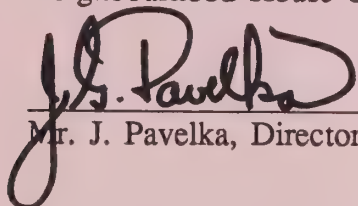
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. Pavelka,
Director of Public Works

SUBJECT: Kirkendall-Strathcona Neighbourhood Improvement
Programme (NIP) Wesley Urban Ministries;
1989-1990 Annual Audited Statements

RECOMMENDATION:

That the Wesley Urban Ministries Inc. financial statements for 1989 January 01 to 1991 March 31, audited by Pannell Kerr MacGillivray for the loan given by the City of Hamilton and the Ministry of Municipal Affairs and Housing under the Neighbourhood Improvement Programme to the Wesley Urban Ministries/Trustees of the Zion Congregation of the United Church of Canada for the construction and development of the Kirkendall-Strathcona Neighbourhood House be adopted.



Mr. J. Pavelka, Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On 1981 July 27, the City of Hamilton entered into an Agreement with Wesley Urban Ministries/Trustees of the Zion Congregation of the United Church of Canada to cover the terms and conditions of repayment of the sum of three hundred and seventy-five thousand dollars (\$375,000.) for the renovation of the Zion United Church to provide community and recreational services to the neighbourhood under the Neighbourhood Improvement Programme. This is a forgivable loan earned at forty-one dollars and five cents (\$41.05) per day until December 1990.

The Agreement stipulates that the audited financial statements and annual report for each year must be submitted to the City of Hamilton for approval. Their next statements will be for the 15 month period of 1990 January 01 to 1991 March 31 as approved by the City's auditors, P. K. McGill. This will be their final statement.

Attch.

cc: Mr. E. Matthews, City Treasurer
Treasury Department

Ms. P. Noe Johnson, City Solicitor
City Solicitor's Department

WESLEY URBAN MINISTRIES INC.

FINANCIAL STATEMENTS

JANUARY 1, 1989 to MARCH 31, 1990

Pannell
Kerr
MacGillivray

Chartered Accountants

M.P.O. Box 679
Standard Life Centre, Suite 650
120 King Street West
Hamilton, Ontario L8N 3M5
Telephone: (416) 523-7732
Facsimile: (416) 572-9333

AUDITORS' REPORT

To the Members of
Wesley Urban Ministries Inc.

We have examined the balance sheet of Wesley Urban Ministries Inc. as at March 31, 1990 and the statements of revenue and expenses and deficit for the period January 1, 1989 to March 31, 1990. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as we considered necessary in the circumstances, except as explained in the following paragraph.

In common with many charitable organizations, the organization derives revenue from donations and fundraising contributions the completeness of which is not susceptible to satisfactory audit verification. Accordingly, our verification of these revenues was limited to the amounts recorded in the records of the organization and we were not able to determine whether any adjustments might be necessary to donation revenues, excess of revenue over expenses, assets and deficit.

In our opinion, except for the effect of adjustments, if any, which we might have determined to be necessary had we been able to satisfy ourselves concerning the completeness of the revenues referred to in the preceding paragraph, these financial statements present fairly the financial position of the organization as at March 31, 1990 and the results of its operations for the period January 1, 1989 to March 31, 1990 in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

Hamilton, Canada
April 24, 1990

Pannell Kerr MacGillivray

CHARTERED ACCOUNTANTS

WESLEY URBAN MINISTRIES INC.

1

BALANCE SHEET

MARCH 31, 1990

A S S E T S

	1990	1988 (Dec. 31)
CURRENT		
Accounts receivable	\$ 114,760	\$ 56,368
Prepaid expenses	8,051	5,676
	-----	-----
	122,811	62,044
	-----	-----
FIXED ASSETS		
Cost	392,303	392,303
Less funds provided from grants and other sources	392,303	392,303
	-----	-----
	\$ 122,811	\$ 62,044
	=====	=====

L I A B I L I T I E S

CURRENT		
Bank loan (note 2)	\$ 62,000	\$ 47,135
Bank overdraft	71,113	16,325
Accounts payable and accrued liabilities	19,844	5,453
Deferred revenue - grants		3,000
- other		25,000
Loan from Hamilton Presbytery Mission Council		
	-----	-----
	152,957	96,913
	-----	-----

CONTINGENT LIABILITY (note 3)

D E F I C I T

DEFICIT	(30,146)	(34,869)
	-----	-----
	\$ 122,811	\$ 62,044
	=====	=====

APPROVED ON BEHALF OF THE BOARD

Director-----
Director

See accompanying Notes to the Financial Statements

Pannell
Kerr
MacGillivray

WESLEY URBAN MINISTRIES INC.

2

STATEMENT OF DEFICIT

FOR THE PERIOD JANUARY 1, 1989 TO MARCH 31, 1990

	1990 (note 6)	1988 (note 6)
DEFICIT - Beginning of period	\$ (34,869)	\$ (11,856)
Excess of revenue (expenses) for the year	4,723	(23,013)
DEFICIT - End of period	<u><u>\$ (30,146)</u></u>	<u><u>\$ (34,869)</u></u>

See accompanying Notes to the Financial Statements

WESLEY URBAN MINISTRIES INC.

3

STATEMENT OF REVENUE AND EXPENSES

FOR THE PERIOD JANUARY 1, 1989 TO MARCH 31, 1990

REVENUES	1990 (note 6)	1988 (note 6)
Church		
Block grant, Division of Mission	\$ 219,160	\$ 160,000
Hamilton Presbytery Mission Council		1,600
Local churches	58,155	47,055
Individuals	104,419	56,501
Offerings	308	253
Division of Mission	1,158	2,496
Special appeal (note 4)	28,292	
Grants		
Region of Hamilton-Wentworth	154,891	40,000
United Way		7,500
Government of Canada	101,016	108,165
Government of Ontario	322,624	96,469
Rental income	36,274	16,893
Fees for services		
Projects	1,281	2,146
Program services	4,473	6,313
Community		
Corporate donations	11,785	12,019
Groups and individuals	33,526	30,622
Interest	1,583	280
Conference Capital funds	15,000	
Salary recoveries - Victoria Park	20,899	
	-----	-----
	1,114,844	588,312
	-----	-----
EXPENSES		
Salaries and benefits	820,160	454,588
Staff and board development	8,324	2,534
Supplies for programs	79,308	23,638
Office supplies	14,898	13,170
Utilities	38,410	27,882
Telephone	20,273	13,676
Realty taxes	14	869
Maintenance, supplies and janitorial	31,640	19,302
Building and property	20,402	22,831
Insurance	8,207	5,528
Travel and van	19,164	7,842
Professional fees	3,706	1,500
Interest and bank charges	8,642	4,607
Write-off of prior year's grants	(126)	2,762
Fund raising	26,945	5,970
Miscellaneous	10,154	4,626
	-----	-----
	1,110,121	611,325
	-----	-----
EXCESS OF REVENUE (EXPENSES) FOR THE PERIOD	\$ 4,723	\$ (23,013)
	=====	=====

See accompanying Notes to the Financial Statements

NOTES TO THE FINANCIAL STATEMENTS

MARCH 31, 1990

1. SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of Accounting

Revenues and expenditures are accounted for on the accrual basis.

(b) Revenue Recognition

Grants received to offset specific project costs are recognized as revenue to the extent of the costs incurred. The excess of grants received over costs to date is treated as deferred revenue.

(c) Fixed Assets

The accumulated costs of fixed assets, including land and building are not recorded.

Administrative equipment and furniture are expensed when purchased.

2. BANK LOAN

The bank loan is secured by a general security agreement.

3. CONTINGENT LIABILITY

During 1981, the corporation guaranteed a mortgage in favour of the City of Hamilton on behalf of the trustees of Zion United Church. The mortgage principal is being forgiven at a rate of \$ 41.05 a day beginning January 1, 1982 through the 25 year life of the mortgage by the provision of community services to be rendered by the corporation of Kirkendall - Strathcona Neighbourhood House of Zion United Church. The unforgiven balance at the end of the year approximates \$ 251,000. The mortgage has no provision for interest on the unforgiven balance.

4. SPECIAL APPEAL

The Board of Directors of Wesley Urban Ministries issued a special appeal to raise funds to be used to assist in reducing the Ministry's overdraft position. This amount has been funded by special donations from member congregations.

NOTES TO THE FINANCIAL STATEMENTS

MARCH 31, 1990

- 2 -

5. MINISTRY OF HOUSING PROJECT

Wesley Urban Ministries Inc. has been approved as a sponsor for a non-profit housing project. Under this arrangement, Wesley Urban Ministries is the registered owner of the project as well as the registered mortgagor.

All revenues, expenses, assets and liabilities of this project are essentially the responsibility of the Ministry of Housing for the Province of Ontario, and accordingly are not included in these financial statements.

6. CHANGE OF YEAR END

Wesley Urban Ministries has received permission to change its year end from December 31 to March 31. The change has occurred so the Ministries will have the same year end as the government ministries it receives most of its funding from. Due to this change this fiscal period contains fifteen months. The comparative figures are for the year ended December 31, 1988.

CITY OF HAMILTON
- RECOMMENDATION -

B.

DATE: 1991 January 28
(25T-83004) (SA-83-02)

REPORT TO: Susan K. Reeder
Secretary of the Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

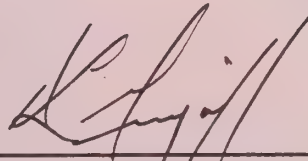
Extension of Draft Approval for "Wisemount Forest Survey" Subdivision.

RECOMMENDATION:

That the Region be requested to grant a one-year extension to the draft approval for "Wisemount Forest Survey" Subdivision (Regional File No. 25T-83004).



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



A. L. Georgieff, M.C.I.P.
Director
Local Planning Branch

BACKGROUND:

Owner:

S. Wise Construction Limited.

History:

"Wisemount Forest Survey" - Lisgar Neighbourhood:

Draft approved November 14, 1983, for 140 lots for single-family dwellings, 8 lots for semi-detached dwellings, 3 blocks for apartments (approximately 403 units) and one block for townhouses (approximately 90 units).

Stage 1 registered in May 1987, for 7 lots for single-family dwellings and 8 lots for semi-detached dwellings.

Phase 4 registered in July, 1988, for 13 lots for single-family dwellings. Phase 5 registered in October, 1989, for 10 lots for single-family dwellings. This plan has had four (4) previous extensions, (1986, 1987, 1988 and 1989).

Present lapsing date is February 14, 1991.

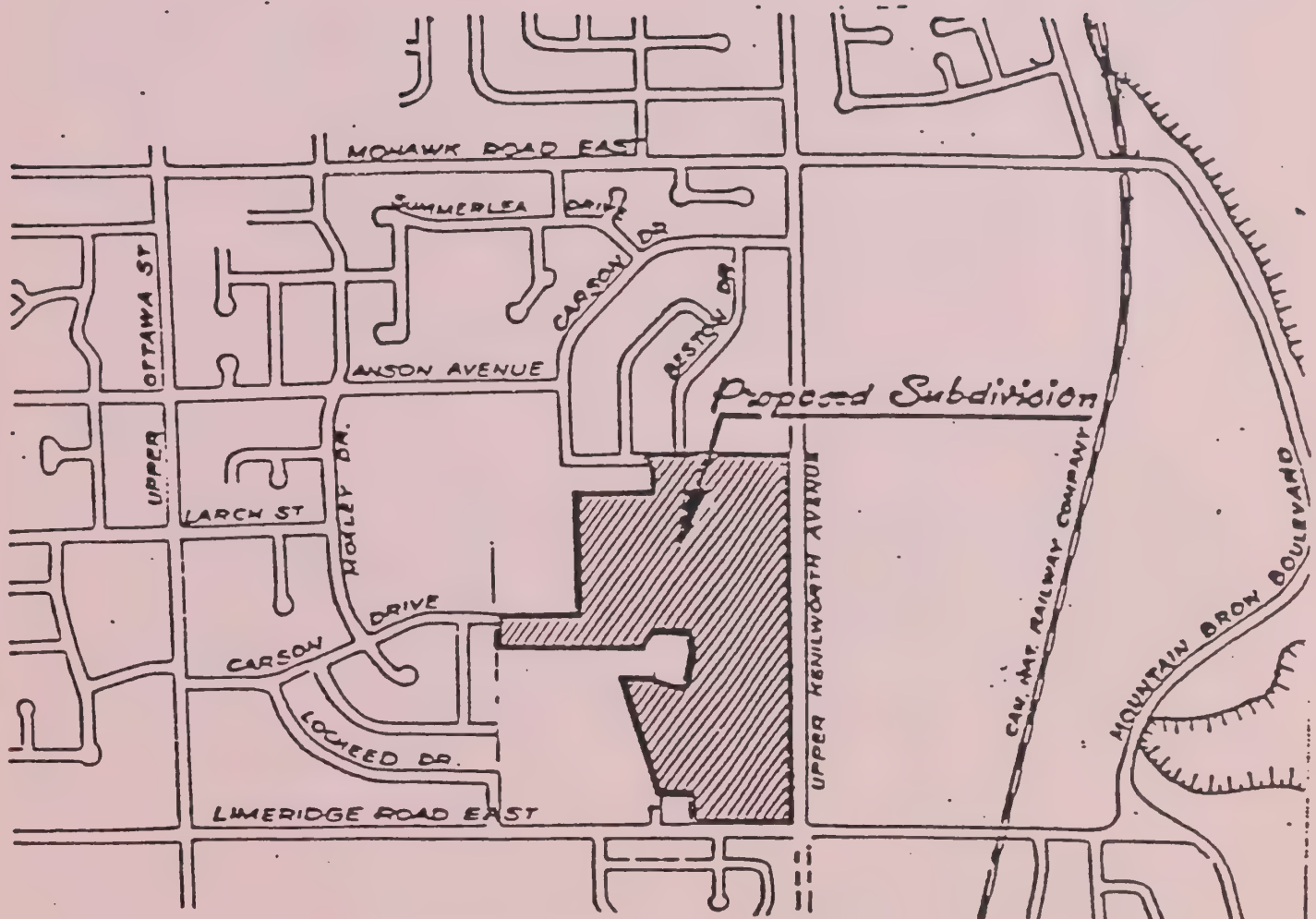
Requesting a further extension for an unspecified period on the basis that the owner will be registering the next phase in the near future, (i.e., 1991 - 1992).

CONCLUSIONS:

The City of Hamilton originally recommended approval of the aforementioned draft plan subject to certain conditions which were subsequently included in the conditions of approval established by Regional Council.

The conditions of approval are still appropriate and no requests have been made to revise the plan or the conditions, therefore, the extension should be supported on the basis of the usual extension of one year.

JLS/l
PLA.Rpts.
25T83004



Location Plan For

WISEMOUNT FOREST SURVEY-PHASE 3

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale

1:12,000

Date

83-03-03

Reference File No.

25T-83004

Drawing No.

83-H-25

C.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 January 22

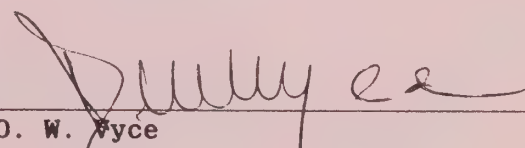
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: MacNab Street Truck Tunnel Easement
to The Dominion Realty Company Limited

RECOMMENDATION:

- a) That the City enter into an Agreement with The Dominion Realty Company Limited in a form attached hereto as Appendix "A" for the purpose of the City granting to Dominion Realty an easement to enter onto and use the truck route beneath Lloyd D. Jackson Square, King Street West and MacNab Street South, as a right-of-way for vehicular access for the purpose of providing access to the Dominion lands for Dominion, its tenants and suppliers. The easement will be enjoyed and used until October 31, 2069.
- b) That the Mayor and City Clerk be authorized to execute this Agreement.



D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A ✓

BACKGROUND:

In adopting Section 1 of the 8th Report of the Transport and Environment Committee on April 11, 1989, City Council authorized the leasing of a below grade parcel of land beneath MacNab Street to The Dominion Realty Company Limited for underground parking and loading docks to enable the C.I.B.C. Development at King and James Streets to have access to the City's MacNab Street Truck Tunnel. The lease was prepared and completed.

Paragraph 1(i) of the said Resolution also authorized the Director of Property to negotiate a Truck Tunnel Agreement with The Dominion Realty Company Limited to provide a tunnel easement to Dominion Realty.

A Law Department/Property Department Team (D. Powers and D. Vyce) have negotiated an Agreement which meets with our approval and one which we are prepared to recommend for Council's approval and execution by the Mayor and City Clerk.

The Truck Tunnel which is the subject of this report runs from York Boulevard southerly to Main Street West beneath the Lloyd D. Jackson Square, King Street West and MacNab Street. In granting a Vehicular Access Easement to First Phase Civic Square Limited (Lloyd D. Jackson Square), the City reserved the right to also grant an easement for vehicular access over the Vehicular Access Easement lands to certain others, one of which is the owner/developer of the lands at the south-west corner of King and James Streets known as the C.I.B. C. Development.

From the date of execution of the attached Agreement, the City will be granting to Dominion a non-exclusive easement in common with others for vehicular access over the Vehicular Access Easement lands, and to be limited to trucks and other vehicles delivering goods to, removing goods from or providing services to the owners or tenants of the Dominion lands. The easement is not to be used for the movement of persons to and from the Dominion lands.

The Agreement shall terminate on October 31, 2069. However, in the event the Loading Bay Lease Agreement with Dominion is extended beyond October 31, 2069, then this Easement Agreement shall be automatically deemed to be extended for a period equivalent to the renewal term of the Loading Bay Lease Agreement.

Attach.

c.c. Mrs. P. Noé Johnson, City Solicitor
Attention: Mr. D. Powers

(2719)

AGREEMENT

This Agreement made as of the day of , 199 ,

B E T W E E N:

THE DOMINION REALTY COMPANY LIMITED

(hereinafter called "Dominion")

OF THE FIRST PART,

- and -

**THE CORPORATION OF THE CITY OF
HAMILTON**

(hereinafter called the "City")

OF THE SECOND PART,

-and -

FIRST PHASE CIVIC SQUARE LIMITED

(hereinafter called "First Phase")

OF THE THIRD PART,

IN CONSIDERATION of the sum of One Dollar (\$1.00) now paid by each of the parties hereto to the other, the receipt and sufficiency of which is hereby acknowledged and in consideration of the mutual covenants herein contained, the parties hereto hereby agree as follows:

BACKGROUND, PURPOSE

1. Dominion is the owner of those lands in the City of Hamilton more particularly described in Schedule 1 Firstly hereto. Dominion and the City have entered into a lease of certain lands of the City under MacNab Street South which are described in Schedule 1 Secondly hereto for purposes of loading bays and parking for Dominion's development (the "Loading Bay Lease Agreement") which agreement has been registered in the said Land Registry Office on the 3rd day of October, 1989 as Instrument No. 10897 (the Schedule 1 Firstly and Secondly lands are herein referred to as the "Dominion Lands").

2. First Phase is the lessee under a Ground Lease dated as of the 30th day of October, 1970, and registered in the Registry Office for the Registry Division of Wentworth on the 30th day of March, 1971, as Instrument No. 199968A.B. which Lease has been amended under an Agreement made as of the 1st day of October, 1974, (the "Ground Lease Amendment Agreement") and registered in the said Registry Office on the day of , 19 , as Instrument No. , and in the Land Titles Office for the said Registry Division on the day of , 19 , as Instrument No. (hereinafter collectively called the "First Phase Ground Lease"). The lands leased to First Phase under the terms of the First Phase Ground Lease are hereinafter referred to as the "First Phase Lands". First Phase and the City agree that Yale Properties Limited, as guarantor under the First Phase Ground Lease, does not need to join herein.

3. Under the terms of the First Phase Ground Lease the City has granted an easement in favour of First Phase for vehicular access over, along and upon those lands identified as Firstly, Secondly, Thirdly, Fourthly and Fifthly in paragraph (b) of Revised Schedule C attached to the Ground Lease Amendment Agreement and which lands are more particularly described on Schedule 2 hereto (the "Vehicular Access Easement Lands").

4. In furtherance of their mutual obligations under the terms of the First Phase Ground Lease, the City (as to that portion lying south of the north limit of King Street West) and First Phase (as to that portion lying north of the north limit of King Street West) have constructed a tunnel for vehicular traffic within the Vehicular Access Easement Lands (the "Tunnel").

5. The City reserved unto itself in the grant of the vehicular access easement to First Phase, the right to grant an easement for vehicular access over the Vehicular Access Easement Lands to:

- i) to the "Lessee" of "Part Two" as described in the "Development Agreement" (as defined in the First Phase Ground Lease);
- ii) to the developer of the lands lying to the south of the south limit of King Street West, to the north of the existing store of The G.W. Robinson Company, Limited, to the east of the east limit of MacNab Street South and to the west of the west limit of James Street South; and
- iii) at the option of the City, to The G.W. Robinson Company, Limited;

all as provided more particularly under paragraph (b) of Revised Schedule C attached to the Ground Lease Amendment Agreement.

6. Second Phase Civic Square Limited ("Second Phase") is the "Lessee" of "Part Two" as referred to in subparagraph 5(i) above. Second Phase is the lessee under a ground lease dated as of November 19, 1975, and registered in the Registry Office for the Registry Division of Wentworth on the 16th day of August, 1976, as Instrument No. 21613C.D. (hereinafter called the "Second Phase Ground Lease").

7. Under the terms of the Second Phase Ground Lease, the City has granted an easement in favour of Second Phase for vehicular access over, along and upon the Vehicular Access Easement Lands and Second Phase, therefore, is a user of the

Tunnel and a contributor to the sharing of the costs of the repair, maintenance and replacement thereof.

8. The City reserved unto itself in the grant of the vehicular access easement to Second Phase, the right to grant an easement for vehicular access over the Vehicular Access Easement Lands to the developer of the lands described in subparagraph 5(ii) above.

9. The Dominion Lands are the lands referred to in subparagraph 5(ii).

10. Dominion has constructed a sixteen storey office tower building on the east portion of the Dominion Lands and now intends to improve the west portion of the Dominion Lands with a sixteen storey office tower building and has requested the City to grant to it a vehicular access easement over the Vehicular Access Easement Lands.

11. Under the terms of paragraph (b) of Revised Schedule C attached to the Ground Lease Amendment Agreement, the sharing of the costs of the repair, maintenance and replacement of the vehicular access easement and Tunnel with users other than the City and First Phase shall be as agreed upon by the City, First Phase and such other users.

GRANT OF EASEMENT

12. The City from and after the date of execution hereof by the City (the "Effective Date") hereby grants to Dominion a non-exclusive easement in common with others entitled thereto from time to time for vehicular access (the "Vehicular Access Easement") over, along and upon the Vehicular Access Easement Lands and such easement is declared to be appurtenant to and for the benefit of the Dominion Lands.

13. Dominion acknowledges and agrees with the City that under the terms of the First Phase Ground Lease and the Second Phase Ground Lease the City has reserved unto itself under the Vehicular Access Easement Lands a subsurface easement for the "MacNab Street Sewer" upon the terms as more particularly set out in the First Phase Ground Lease and the Second Phase Ground Lease, and that the grant of the Vehicular Access Easement by the City to Dominion is hereby subject to the reservation in favour of the City of the MacNab Street Sewer subsurface easement and the rights granted herein to Dominion are subject to the same limitations imposed upon the lessee under the First Phase Ground Lease and the Second Phase Ground Lease.

14. Dominion hereby acknowledges that the Vehicular Access Easement is subject to the continuing access to the Hamilton Central Stall Holders Farmers' Market, the Vehicular Access Easement being subject to the full and free continuing rights of access of such users, and further acknowledges that the said Vehicular Access Easement shall be used only in a one way southbound direction and that there shall be no ingress to any underground parking south of the north limit of King Street West, all as more particularly set out in the First Phase Ground Lease and the Second Phase Ground Lease.

15. Dominion acknowledges that The Royal Bank of Canada (the "Royal Bank") under an assignment agreement dated May 1, 1989, and registered the 11th

day of May, 1989 as Instrument No. 506800 C.D. (Registry Office) and on December 18, 1989, as Instrument No. 270000 LT (Land Titles Office) is the assignee of the interest of Robinson Securities Limited under an agreement dated June 13, 1972 between the City, First Phase, Yale Properties Limited, Robinson Securities Limited and The G.W. Robinson Company Limited (the "Robinson Agreement"), which agreement is appended to the Royal Bank Assignment Agreement as Schedule "A".

16. Dominion and First Phase further acknowledges that the City intends to grant to Eaton Properties Limited and to The T. Eaton Realty Company Limited (collectively "Eatons") a vehicular access easement over a portion of the Vehicular Access Easement Land, including the right to proceed in a northerly direction over that portion of the Vehicular Access Easement Lands described as Parts 1 and 2, Plan 62R-10188.

17. Dominion acknowledges and agrees with the City and First Phase that the use of the Vehicular Access Easement shall be limited to trucks and other vehicles delivering goods to, removing goods from or providing services to the owners, tenants, subtenants, licensees and the occupants of the Dominion Lands; and that in no event shall the Vehicular Access Easement be used for the movement of persons to and from the Dominion Lands.

18. Dominion acknowledges and agrees with the City that the Vehicular Access Easement shall, subject to the provisos set out below, terminate on October 31, 2069. In the event that the Loading Bay Lease Agreement has been renewed for any term or terms extending beyond October 31, 2069, then this Agreement shall be automatically deemed to be extended for a period of time equivalent to such renewal term or terms of the Loading Bay Lease Agreement.

19. (a) In the event that Dominion shall no longer require the Vehicular Access Easement it may upon thirty (30) days' notice to the City abandon the Vehicular Access Easement which shall thereupon terminate Dominion's liability hereunder to reimburse First Phase under paragraph 22 below for repairs, maintenance and replacement occurring after the date of such abandonment and termination, saving and excepting its liability to reimburse First Phase for expenses for repairs, maintenance and replacement incurred up to the date of such abandonment and termination.

(b) In the event that Dominion shall abandon the premises leased to it by the City under the Loading Bay Lease Agreement, the City may on 30 days' notice to Dominion terminate the easement to Dominion granted under paragraph 12 hereof.

REPAIRS AND MAINTENANCE

20. The City agrees with Dominion that the City shall pay for the repairs, maintenance and replacement of that portion of the Tunnel lying to the south of the north limit of King Street West.

21. First Phase agrees with Dominion that subject to the provisions of paragraph 22 below, First Phase shall pay for the repairs, maintenance and replacement of that portion of the Tunnel lying to the north of the north limit of King Street West.

22. Dominion acknowledges that under the terms of paragraph 7 of the Robinson Agreement, the Royal Bank (as assignee of Robinson Securities Limited) has

agreed to reimburse First Phase for part of the annual cost of First Phase for repairing, maintaining and replacing that portion of the Tunnel lying north of the north limit of King Street West upon the terms and conditions as more particularly set out in paragraph 7 thereof. Dominion acknowledges and agrees that First Phase is entitled to recover the total cost (net of First Phase's fair share) of the repair, maintenance and replacement of that portion of the Tunnel lying north of the north limit of King Street from such persons who may be granted an easement for the use of the Tunnel upon such terms as shall be agreed upon between such persons and First Phase. Dominion agrees with First Phase to contribute from the Effective Date to such costs upon such terms as may be agreed to between Dominion and First Phase and failing agreement to be settled by arbitration in accordance with the provisions of paragraph 28 below.

23. (a) Notwithstanding that Dominion shall have complied in all respects with its obligations under this Agreement, if First Phase wishes to relocate the existing Tunnel and the Vehicular Access Easement and to construct a new tunnel at a location within the leased lands of First Phase, and First Phase has agreed to surrender up to the City that portion of the First Phase Ground Lease leased lands required for the location of the new vehicular access easement, and the City has agreed to such request and to provide a vehicular access over, along and through the same (and nothing herein shall be construed in any manner as suggesting the City has or may consent to such request) then, on not less than one (1) year's prior written notice to Dominion given by the City, the City may replace and terminate the Vehicular Access Easement upon the City granting to Dominion the permanent and temporary easements described in subparagraph 23(b) below.

(b) In the event that notice is given to Dominion under subparagraph 23(a) above, the City shall provide for an alternate vehicular access easement permitting Dominion access to and egress from the underground loading dock facility forming a part of the "Loading and Ramp Improvements" as defined in the Loading Bay Lease Agreement (the "Loading Dock Facilities") servicing the Dominion Lands which access and egress shall be reasonably equivalent to the access provided for under this Agreement. Such alternate vehicular access easement may be temporary during construction (whether before or subsequent to the termination as aforesaid) and will be specifically determined and granted thereafter on the same terms and conditions as are contained herein, provided that during construction of such alternative vehicular access, the temporary vehicular access permits reasonable access to and egress from the Loading Dock Facilities.

ADDITIONAL AGREEMENTS

24. Dominion shall and does hereby at all times indemnify and save harmless the City and First Phase and any one or more of them from and against all actions, causes of action, interest, claims, demands, costs, damages, expenses or loss which the City and First Phase or any one or more of them may bear, suffer or be put to by reason of any damage to property, including without limitation, to the MacNab Street Sewer, or injury or death to persons caused by the use, construction, repair, maintenance, removal or operation by Dominion, its tenants, subtenants, licensees, occupants, and their invitees, including the suppliers of goods and services to the Dominion Lands of the Vehicular Access Easement or the Tunnel. Dominion agrees that its indemnity hereunder shall survive the expiry of this Agreement through early termination or otherwise in respect of any matter or occurrence arising up to the date of such expiry.

25. The use of the Vehicular Access Easement shall be controlled in such reasonable manner as may be agreed upon by the City and First Phase having regard to the users of such Vehicular Access Easement and the obligation of First Phase and the City to repair, replace and maintain their portions of the Tunnel. Such exercise of control shall not derogate from the grant of easement herein. In the event that in the opinion of Dominion the use of the Vehicular Access Easement is not being controlled reasonably, Dominion shall have the right to arbitration under paragraph 28.

26. Dominion agrees with the City and First Phase that in the event that the Loading Bay Lease Agreement expires through early termination or otherwise that this Agreement shall thereupon terminate.

27. This Agreement may only be assigned by Dominion to any permitted assignee of Dominion under the Loading Bay Lease Agreement provided any such assignee shall assume and obligate itself to the City and First Phase in respect of all obligations of Dominion hereunder, and provided that Dominion shall remain liable for all its obligations hereunder unless such assignee shall also become the owner of the fee simple of the lands described in Schedule 1 Firstly, hereto and the lessee of the lands described in Schedule 1 Secondly, hereto.

28. If Dominion and First Phase do not agree as to any of the matters which are by the provisions hereof to be determined by arbitration, any such disagreement shall be decided by a single arbitrator pursuant to provisions of the *Arbitrations Act* R.S.O. 1980 c. 25, and any amendments thereto or by any reenactment thereof and amendments thereto.

29. In the event that the Dominion Lands shall be used for a purpose other than as set out in paragraph 10 hereof, the parties agree to review the use of the Vehicular Access Easement, taking into consideration the potential traffic in the Tunnel, and acting reasonably will amend this agreement as required.

30. A notice required or contemplated to be given or made hereunder shall be in writing and either delivered personally or sent by telegram, telegraph, telex, telecopy or other means of electronic telecommunication or by registered mail postage prepaid addressed as follows:

(a) in the case of Dominion:

The Dominion Realty Company Limited
c/o Canadian Imperial Bank of Commerce
Commerce Court Postal Station
Toronto, Ontario
M5L 1A2

Attention: Corporate Secretary

(b) in the case of the City:

The Corporation of the City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: City Clerk

(c) in the case of First Phase:

First Phase Civic Square Limited
c/o Yale Properties Limited
2015 Peel Street
Montreal, Québec
H3A 1T8

Attention: President

with a copy to:

Milligan, Gresko, Charuk & Rogers
Barristers and Solicitors
Suite 330, Robert Thomson Building
110 King Street West
Box 738, M.P.O.
Hamilton, Ontario
L8N 3M8

Attention: James G. Milligan

or such other address of which either party may from time to time notify the other in writing. The time of giving or making such notice shall be (i) if delivered or sent by means of electronic telecommunication, when so delivered or sent, (ii) if mailed in Canada, other than during an actual or threatened postal disruption, on the second business day following the date of mailing, and (iii) otherwise when received.

This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

**THE DOMINION REALTY COMPANY
LIMITED**


Name:

Title: PRESIDENT

C/s



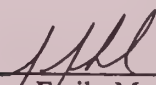
**THE CORPORATION OF THE CITY OF
HAMILTON**

Mayor:

c/s

Clerk:

FIRST PHASE CIVIC SQUARE LIMITED

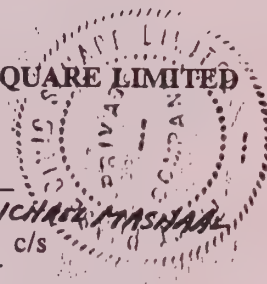


Name: ~~Emile Mashaal~~ MICHAEL MASHAAL

Title: ~~President~~


c/s

VICE-PRESIDENT



MILLIGAN, CHESKO & CHAIKIN





Name: James G. Milligan

Title: Secretary

SCHEDULE 1

FIRSTLY (Land Titles) Legal Description of Dominion Lands (fee simple)

In the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, being composed of Lots A, A2, B, B2, C, C2, D, E, FF, G, G2, H, H2, I, J, K and Alley XX, according to Plan No. 201 (Bank of Hamilton Survey), and part of Lots 2, 3, 4 and 21, according to Peter Hunter Hamilton Survey, (unregistered) being in the Block bounded by King, James, Main and MacNab Streets, designated as PARTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 on Reference Plan 62R-8203, deposited in the Land Registry Office for the Land Titles Division of Wentworth, at Hamilton. Subject to agreements registered as Instruments 188380 A.B. and 199862 A.B., affecting Part of Lots J, K, A and A2, Registered Plan No. 201 (Bank of Hamilton Survey) and Part of Lot 21, according to Peter Hunter Hamilton Survey, (unregistered) designated as PARTS 10, 11, 12 and 13 on the said Reference Plan 62R-8203.

Being all of Parcel A-1 in the register for Section W 201(c).

SECONDLY (Registry) Legal Description of Dominion Lands (leasehold)

Part 1 (Parking Area)

In the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, being composed of part of Lot 5 according to the P.H. Hamilton Survey (unregistered), in the block bounded by King, James, Main and MacNab Streets, and now being part of MacNab Street South, as widened by By-Law 76-11 (Instrument Number 01162 C.D.) amended by By-Law 76-185 (Instrument Number 17526 C.D.) designated as Part 1 on Plan 62R-10530 as closed by By-Law Number 89-190 registered as Instrument Number 8144.

Part 2 (Loading and Ramp Area)

In the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, being composed of Parts of Lots 5 and 20 according to the P.H. Hamilton Survey (unregistered), in the block bounded by King, James, Main and MacNab Streets and now being part of MacNab Street South as widened by By-Law Number 76-11 (Instrument Number 01162 C.D.) amended by By-Law Number 76-185 (Instrument Number 17526 C.D.) designated as Parts 2 and 3 on Plan 62R-10530 as closed by By-Law Number 89-190 registered as Instrument Number 8144.

In the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, being composed of part of Lot 4 according to the P.H. Hamilton Survey (unregistered), in the block bounded by King, James, Main and MacNab Streets, and now being part of an assumed highway designated as Part 4 on Plan 62R-10530 as closed by By-Law Number 89-190 registered as Instrument Number 8144.

SCHEDULE 2

The Vehicular Access Easement Lands

In the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of:

Firstly:

Part of Lots 23 and 40 P. H. Hamilton Survey designated as Part 1 on Reference Plan 62R-1524.

Secondly:

Part of Lots 5, 20 and 23 P. H. Hamilton Survey and part of King Street lying between the northern limit of Lot 5 and the northern limit of King Street as widened by City of Hamilton By-law No. 70-336 dated November 10, 1970, and registered as Instrument No. 187452 A. B. designated as Part 2 on the said Reference Plan 62R-1524.

Thirdly:

Part of MacNab Street as shown on Andrew Miller's Survey registered in the Land Registry Office for the Registry Division of Wentworth as Plan No. 50, said MacNab Street now closed by City of Hamilton By-laws Nos. 70-277 and 70-305 dated September 29th, 1970, and October 27th, 1970, respectively and registered in the said Land Registry Office as Instrument Nos. 182919 A.B. and 185464 A.B. respectively, designated as parts 3, 4 and 5 on Reference Plan 62R-1524.

Being part of freehold Parcel 1-1, in the register for Section W-50.

Fourthly:

Part of MacNab Street as shown on Andrew Miller's Survey registered in the said Land Registry Office as Plan No. 50, said MacNab Street now closed by City of Hamilton By-law No. 70-277 dated September 29th, 1970 and registered as Instrument No. 182919 A.B. designated as Parts 6, 7 and 8 on Reference Plan 62R-1524.

Being part of freehold Parcel 1-1, in the register for Section W-50.

Fifthly:

Part of MacNab Street as shown on Andrew Miller's Survey registered in the said Land Registry Office as Plan No. 50 and on David Kirkendall's Survey registered in the said Land Registry Office as Plan No. 39, said MacNab Street now closed by City of Hamilton By-law No. 70-277 dated September 29th, 1970, and registered as Instrument No. 182919 A.B. designated as Parts 9, 10 and 11 on Reference Plan 62R-1524.

Being part of freehold Parcel 1-1, in the register for Section W-50.



K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

URBAN/MUNICIPAL

CA4 ON HBL A05
C51P4 1991

1991 February 14

URBAN MUNICIPAL

GOVERNMENT DOCUMENTS

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1991 February 20th
9:30 o'clock a.m.
Room 233, City Hall

Susan K. Reeder
Secretary

**NOTE: A HOT DINNER WILL BE SERVED
AT 12:00 O'CLOCK NOON IN ROOM 264**

A G E N D A

1. Consent Agenda.

BUILDING COMMISSIONER

2. Proposed Bill 103 - An Act to Revise the Building Code Act.
3. Zoning By-law #6593 - Penalties and Fines.
4. Property Standards By-law #74-74 - Penalties and Fines.

REFERRALS FROM CITY COUNCIL

5. Resolution - City of Cambridge - Review of O.M.B. Staffing - Speed up of Planning Process.
6. Resolution - City of Cambridge - Provincial Policy Statement - Land Use Planning for Housing.

AD HOC COMMITTEE - COMMONWEALTH SQUARE, SUMMERS' LANE

7. Recommendation respecting the Baird, Sampson Study on the Crystal Palace.

CHIEF ADMINISTRATIVE OFFICER

8. The Custom House, 51 Stuart Street.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

9. Zoning Application 90-77, Britannia Decorating and Painting Limited, owner, for a change in zoning from "AA" to "C" for land municipally known as 179 Stone Church Road West; Sheldon Neighbourhood.
10. Subdivision Application 25T-89030 and Zoning Application 90-81, L. Scornaienchi, owner, for a change in zoning from "AA" to "C" for land municipally known as 1258 Upper Wentworth Street; Crerar Neighbourhood.
11. Zoning Application 90-32, J. Calzonetti, owner and prospective owner, for change in zoning from "AA" and "C" to "RT-20" and "HH" modified, for properties municipally known as 829, 837, 845 and 867 Rymal Road East; Eleanor Neighbourhood.

10:45 O'CLOCK A.M.

12. Zoning Application 90-84, Kingdom Properties Inc., prospective owner, for a change in zoning from "H" to "E" and modification to the "E" District regulations for property municipally known as 623 Upper James Street; Centremount Neighbourhood. **(WITHDRAWN BY APPLICANT)**
- (a) Submission - Anne & Andrew Philpot, 15 Brucedale Avenue East.
13. Zoning Application 90-73, M. Finochio and Mascia Enterprise, owners, for a change in zoning from "AA" to "RT-20" for land on the east side of West Fifth Street in the area south of Stone Church Road West; Mewburn Neighbourhood.
- (a) Submission - Rosart Properties Inc.

DIRECTOR OF LOCAL PLANNING

14. Proposed Renaming of Ridge Street to Jeremy Street; Jerome Neighbourhood.
15. Adjournment.

2.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 February 14

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FEB 14 1991

FROM: Mr. L. C. King, P. Eng.
Building Commissioner

SUBJECT: PROPOSED BILL 103, AN ACT TO REVISE THE BUILDING
CODE ACT

RECOMMENDATION:

That City Council petition the Province of Ontario to enact proposed changes to The Building Code Act for expanded powers of entry, increased fine levels, and the requirement to obtain a building permit where there is a change of major occupancy.


L. C. King, P. Eng.
Building Commissioner

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

During 1990, the City of Hamilton has been plagued with problems of illegal residential occupancies. During this time the Building Department has experienced problems with the enforcement and subsequent legal action when dealing with the Zoning By-Law.

The Provincial Ministry of Housing through The Building Code Branch, has recently published amendments to the Building Code Regulations. At that time an amended Building Code Act was to be passed by Legislature. Due to a change in Government, Bill 103 never received final reading.

Contained within Bill 103 An Act to amend The Building Code Act, were changes to The Building Code Act, which would aid in the enforcement of the Zoning By-Law. At the present time, there is no power in the Building Code Act allowing entry for inspection where no permit has been applied for or issued. This power is often required so that an inspector may determine whether or not construction has commenced and whether a permit is required.

cont'd....

The proposed changes (Bill 103) to The Building Code Act, Section 12, states as follows:

"An Inspector may enter upon land at any reasonable time without a warrant for the purpose of:

- (a) inspecting the building or site in respect of which a permit is issued or an application for a permit is made; or
- (b) determining if a permit is required to be issued.

In conjunction with this change, a building permit is usually required only when construction is proposed. In some cases, there is a change of "major occupancy" in a building involving an increase in the hazard of the occupancy, but no construction is required. As a result, no permit is applied for or issued.

In the proposed changes (Bill 103) to The Building Code Act, Section 10, states:

"Even though no construction is proposed, no person shall change the use of a building or part of a building which would result in an increase in hazard as determined under the building code unless a permit has been issued by the Chief Building Official."

Further more, the proposed changes to the fines levied upon conviction have not been revised since The Building Code Act was legislated in 1974. Presently the fines are:

"Every person:

- a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- b) fails to comply with any order, direction or other requirement made under this Act; or
- c) contravenes any provision of this Act or the regulations or of any by-law passed under the authority of this Act, and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both

Fines for Corporations. Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein.

cont'd...

Every person who fails to comply with an order made by a chief official under Subsection 8(5) or 10(3) is guilty of an offence and on conviction, in addition to the penalties mentioned in subsections (1) and (2), is liable to a fine of not more than \$100 per day for every day upon which the offence continued after such order was given.

The proposed changes for fines in (Bill 103) The Building Code Act, Section 37(3) and Section 37(4) are as follows:

"A person who is convicted of an offence is liable:

- a) for a first offence to a fine of not more than \$25,000 or to imprisonment for a term of not more than one year, or to both; and
- b) for a subsequent offence, to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year or both

If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$50,000 for a first offence and \$100,000 for a subsequent offence and not as provided in subsection (3).

3.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 February 14

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. L. King
Building Commissioner

SUBJECT: Zoning By-law #6593
Penalties and Fines

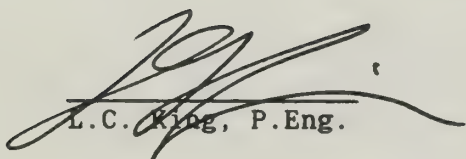
FEB 14 1991

RECOMMENDATION:

That City Council direct the Law Department to amend Zoning By-law #6593 to reflect the penalties in Section 66(1) (a) and (b) of the Planning Act, which reads as follows:-

"Every person who contravenes Section 40, 45 or 51 or who contravenes a by-law passed under Section 34 or 37 or an order made under Section 46 is guilty of an offence and on conviction is liable,

- (a) on a first conviction to a fine or not more than \$20,000; and
- (b) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.


L.C. King, P.Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

BACKGROUND:

The existing zoning by-law penalty section states the following:

Section 20 (4)

"Violations and Penalties: Every person who uses any land, or erects or uses any building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provision of this By-law or causes or permits a violation, shall, upon conviction therefore, forfeit and pay a penalty of not more than \$1,000 (exclusive of costs) for each such offence, and every such penalty shall be recoverable under The Summary Convictions Act."

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

- 2 -

1991 February 14

In that the revised Planning Act allows for much larger fines for violation of zoning by-laws, this Department recognizes that incorporation of higher penalties will aid in the enforcement of the zoning by-law. Higher fines imposed by the courts will act as a deterrent.

4.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 February 14

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

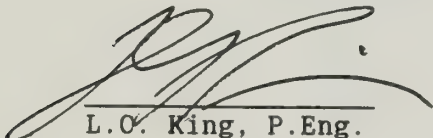
FROM: Mr. L. King
Building Commissioner
Building Department

SUBJECT: Property Standards By-law #74-74
Penalties and Fines

FEB 14 1991

RECOMMENDATION:

That City Council direct the Law Department to amend Section 35 of the Property Standards By-law 74-74 to reflect the penalties allowed under Section 31(22) of The Planning Act.



L.O. King, P.Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

BACKGROUND:

Sections 35(1) and (2) of the Property Standards By-law regulate the penalties obtainable and currently read as follows:

35.(1) Except as hereinafter provided, every person who contravenes any of the provisions of this By-law or of section 36 of The Planning Act, R.S.O. 1970, Chapter 349 as amended, is guilty of an offence and on summary conviction is liable to a fine not exceeding \$1,000.00, exclusive of costs.

(2) Every owner who contravenes an order that is final and binding and which has been made pursuant to the terms of this By-law and of section 36 of The Planning Act, R.S.O. 1970, Chapter 349 as amended, is guilty of an offence and on summary conviction is liable to a fine not exceeding \$500.00 for each day that he is in contravention of such order.

It is the Department's belief that the ability to request larger fines upon conviction will act as a deterrent.

A recent amendment to The Planning Act states as follows:-

"An owner who fails to comply with an Order is final and binding under this section is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 for a first offence and to a fine or not more than \$10,000 for any subsequent offence."

5.

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

TO: Mrs. S. K. Reeder, Secretary
Planning and Development Committee✓

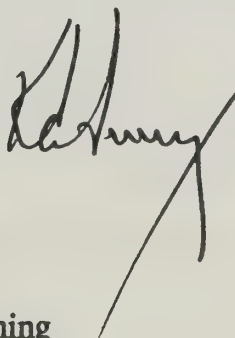
FROM: Mr. K. E. Avery
City Clerk

OUR FILE:
PHONE: 546-4587

SUBJECT: RESOLUTION - THE CORPORATION
OF THE CITY OF CAMBRIDGE
- REVIEW OF O.M.B. STAFFING
- SPEED UP OF PLANNING
PROCESS

DATE: 13 February 1991

Attached please find a copy of a resolution dated January 30, 1991 from The Corporation of the City of Cambridge respecting a review of O.M.B. Staffing - Speed Up of Planning Process which City Council at its meeting held February 12, 1991 referred to the Planning and Development Committee.



att.

c.c.: Mr. A. Georgieff, Director of Local Planning



The Corporation
of the City
of Cambridge

Office of the City Clerk
73 Water St. N.,
P.O. Box 669
Cambridge, Ontario N1R 5W8
Telephone: (519) 623-1340

RECEIVED

January 30, 1991
Our File: AC-10-2

FEB 4 1991

CITY CLERKS

City Clerk
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir or Madam:

Re: Resolution - Review of O.M.B. Staffing - Speed Up of Planning Process

Please be advised that Cambridge City Council, at its meeting of January 28, 1991, passed the following resolution:

WHEREAS the Ontario Government has issued a policy statement on land use planning for housing which requires all municipalities to speed up the Planning Process;

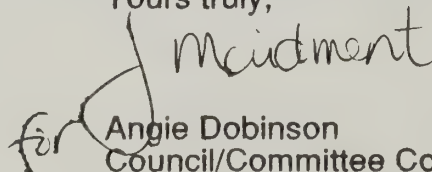
WHEREAS the Ontario Municipal Board's backlog slows down the Planning Process on all appeals that come before the Board;

THEREFORE BE IT RESOLVED that the City of Cambridge request the Ontario Government to review the O.M.B. staffing in order to speed up the Planning Process;

AND FURTHERMORE BE IT RESOLVED that this resolution be circulated to all municipalities, 50,000 or more population, to the Association of Municipalities of Ontario and to all local MPPs in Waterloo region.

Thank you for your attention to this matter, and a reply at your earliest convenience would be appreciated.

Yours truly,


Angie Dobinson
Council/Committee Co-ordinator

AD/jnm

6.

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

TO: Mrs. S. K. Reeder, Secretary ✓
Planning and Development Committee

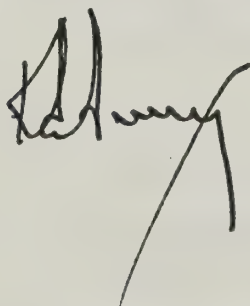
FROM: Mr. K. E. Avery
City Clerk

OUR FILE:
PHONE: 546-4587

SUBJECT: RESOLUTION - THE CORPORATION
OF THE CITY OF CAMBRIDGE
- PROVINCIAL POLICY
STATEMENT - LAND USE PLANNING
FOR HOUSING

DATE: 13 February 1991

Attached please find a copy of a resolution dated January 30, 1991 from The Corporation of the City of Cambridge respecting the Provincial Policy Statement - Land Use Planning for Housing which City Council at its meeting held February 12, 1991 referred to the Planning and Development Committee.



att.

c.c.: Mr. A. Georgieff, Director of Local Planning
Mr. M. Mascarenhas, General Manager, Municipal Non Profit (Hamilton)
Housing Corporation



The Corporation
of the City
of Cambridge

Office of the City Clerk
73 Water St. N.,
P.O. Box 669
Cambridge, Ontario N1R 5W8
Telephone: (519) 733-1340

RECEIVED

January 30, 1991
Our File: AC-10-2

FEB 4 1991

CITY CLERKS

City Clerk
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir or Madam:

Re: Resolution - Provincial Policy Statement - Land Use Planning for Housing

Please be advised that Cambridge City Council, at its meeting of January 28, 1991, passed the following resolution:

WHEREAS the Province of Ontario has adopted a provincial policy statement entitled Land Use Planning for Housing pursuant to section 3 of the Planning Act, 1983;

AND WHEREAS this provincial policy statement directs municipalities to provide the opportunity for affordable housing to be built;

AND WHEREAS the Ontario Ministry of Housing, as directed in this policy statement, annually provides income and price data for new home construction for large aggregations of municipalities referred to as Housing Regions:

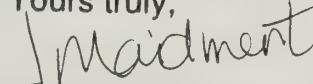
NOW THEREFORE the Council of the Corporation of the City of Cambridge strongly recommends that the Province of Ontario undertake the following initiatives:

- 1) Provide municipalities with detailed household income and housing price data which truly reflect local conditions;
- 2) Enact legislation which would provide municipalities with the ability to ensure the delivery of affordable housing;

AND THAT this resolution be circulated to the Honourable Bob Rae, the Premier of Ontario, the Honourable David Cooke, Minister of Housing and Minister of Municipal Affairs, the Honourable Mike Farnan, Minister of Correctional Services and Solicitor General and M.P.P. for Cambridge, and all municipalities in Ontario with a population in excess of 50,000.

Thank you for your attention to this matter, and a reply at your earliest convenience would be appreciated.

Yours truly,

A handwritten signature in cursive script, appearing to read "Maidment", written over the typed name.

Angie Dobinson

Council/Committee Co-ordinator

AD/jnm

7.

MEMORANDUM

TO: Mayor Morrow
Chairman, Ad Hoc Committee- Commonwealth Square, Summers Lane

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee
City Clerk's Department

SUBJECT: Recommendations of the Ad Hoc Committee - Commonwealth Square,
Summers Lane

DATE: 28 January 1991

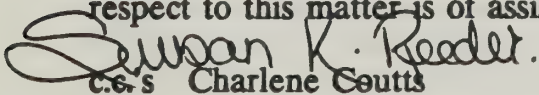
This will confirm that the Planning and Development Committee at its meeting held Wednesday 19, 1991 January 23rd agreed to table section A of the above noted recommendations which reads as follows:

- (a) That the Ad Hoc Committee - Commonwealth Square, Summers Lane endorses the Baird, Sampson Study dated 1990 September 12, which recommends that the best location for the Crystal Palace is Commonwealth Square;

NOTE: The Ad Hoc Committee encourages the Crystal Palace Sub-Committee to solicit representation from the Art Gallery, H.E.C.F.I., Board of Education, C.A.P.I.C., and City staff in developing the design of the Crystal Palace Project.

As you are aware this tabling motion was made in accordance with information given to the committee by yourself that the Parks and Recreation Committee would be receiving the Baird, Sampson Study for their requested approval at their 1991 February 5th meeting. Accordingly the committee agreed that they would table the above noted recommendations until such time as the Parks and Recreations Committee has had an opportunity to deal with the study.

Trusting that confirmation of the Planning and Development Committee's actions with respect to this matter is of assistance to you.


c.s. Charlene Coutts

Acting Secretary Parks and Recreations Committee
Mr. Kevin Christenson
Secretary of the Crystal Palace Committee

CITY OF HAMILTON

- INFORMATION -

8.

DATE: 1991 February 14

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: L Sage,
FOR Chief Administrative Officer

FEB 14 1991

SUBJECT: 51 Stuart Street - Customs House

BACKGROUND:

The Planning and Development Committee requested staff to investigate and determine if there were any existing loan and/or grant programmes which could provide Mr. D. Warrener funding for the installation of a rear verandah. The simple response is that there are no existing programmes which could provide funding for this project.

Since Mr. D. Warrener is operating a commercial establishment there are only two available programmes, (1) Commercial Facade and (2) Heritage Programmes. The Commercial Facade is limited to businesses located in Business Improvement Areas (B.I.A.'s) and for this property to qualify it would have to be designated as a Community Improvement Area and of course would have to be included with other businesses in an area. In view of the fact that most of the properties are residential it is obvious this designation is inappropriate. The second is Heritage but it has been deemed by both the Province and L.A.C.A.C. that the verandah is not eligible for Heritage funding.

It is also in our opinion not appropriate to attempt to provide direct Municipal funding as it would probably be viewed as "bonusing". All other Municipal programmes are geared to owner occupied residential properties which clearly the Custom House does not fall under.

In hindsight the verandah probably should not have been included in the application but at the time we thought we were doing the owner a favour, while protecting to ensure appropriate City permits were obtained. We also assumed that the City policy, of not advancing funds until the owners equity had been spent, would solve any problem of the verandah not being eligible for funding since \$59,000. of the owners money was to be spent before any money was advanced from the City. If this had happened it would have been irrelevant which portion of the job was completed either first or for that matter when.

J. S. Pavelka

2. (a) That Commonwealth Square be approved as the preferred site for the Crystal Palace project as documented in the Baird/Sampson Report dated 1990 September 12; and

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Hinkley, Wilson, Agostino, Formosi, Jackson. -9.

NAYS: Aldermen McCulloch, Drury, Lombardo, Gallagher, Murray, Ross. -6.

CARRIED.

- (b) That funding of \$1 000 000 for the Crystal Palace be included in the 1992-93 portion of the City's 1992-1996 Five Year Capital Budget submission (1992 \$200 000 and 1993 \$800 000) providing that the balance of the funds required for this project (\$5 275 000) are committed by other levels of government and the private sector, and that the Crystal Palace Committee be empowered to approach other levels of government and the private sector for additional financing.

NOTE: Copies of the Baird/Sampson Report were presented to the Parks and Recreation Committee and are available from the Secretary upon request.

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Wilson, Agostino, Formosi, Jackson, Murray, Ross. -13.

NAYS: Aldermen Lombardo, Gallagher. -2. **CARRIED.**

9.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 8, 1991
ZA-90-77
Sheldon Neighbourhood

REPORT TO: S.K. Reeder, Secretary
Planning & Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department

SUBJECT:

Request for a change in Zoning - No. 179 Stone Church Road West.

RECOMMENDATION:

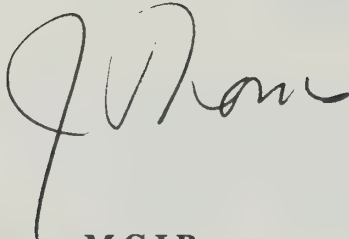
That approval be given to Zoning Application 90-77, Britannia Decorating and Painting Limited, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single-family dwellings, for the property municipally known as No. 179 Stone Church Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

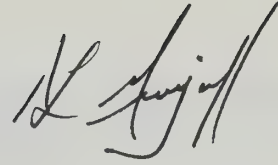
EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for the property municipally known as No. 179 Stone Church Road West, as shown on the attached map.

The effect of the By-law is to permit the development of the subject lands for single-family dwellings.



J.D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

Britannia Decorating and Painting Limited, owner.

BACKGROUND:

The applicant applied for and received conditional approval from the Land Division Committee (H-107-90 and H-108-90) to sever the subject lands from lands fronting on Stone Church Road West (see APPENDIX "B"). One single-family dwelling building lot was created by severance application H-108-90 while the balance of the severed lands (shown as H-107-90 on APPENDIX "B") will be developed through a future plan of subdivision.

One of the conditions of the approval is that the applicant apply for and receive approval of the necessary rezoning.

LOT SIZE AND AREA:

- 63.679 m (208.9 ft.) of lot frontage on Stone Church Road West;
- 162.7 m (533.69 ft.) of lot depth; and,
- 1.9 ha (4.8 ac) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwelling	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	vacant	"AA" (Agricultural) District
to the east and west	single-family dwellings and vacant	"B" (Suburban Residential and Agriculture, etc.) District, "C" (Urban Protected Residential, etc.) District, and "AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A". The proposal complies with the intent of the Plan.

NEIGHBOURHOOD PLAN:

The Sheldon Neighbourhood Plan is currently being prepared. The lands are proposed for "Single and Double Housing". In this regard, the proposed single-family dwellings would not conflict with the intent of the proposed Plan.

RESULTS OF CIRCULARIZATION:

- The following Departments and agencies have no comments or objections:
 - Hamilton Region Conservation Authority;
 - Hamilton-Wentworth Police Department; and,
 - Traffic Department.

- The Building Department has advised that:

"The location of the existing dwelling has not been indicated on the plan submitted to determine compliance with the proposed zoning"

- The Hamilton-Wentworth Engineering Department has advised that:

"There are external watermain and separate storm and sanitary sewers available to service these lands. Internal servicing will be dealt with through service agreements as required as a condition of approval of severance applications H-107-90 and H-108-90.

For the committee's information, the required road widenings were dealt with under the above-noted severance applications.

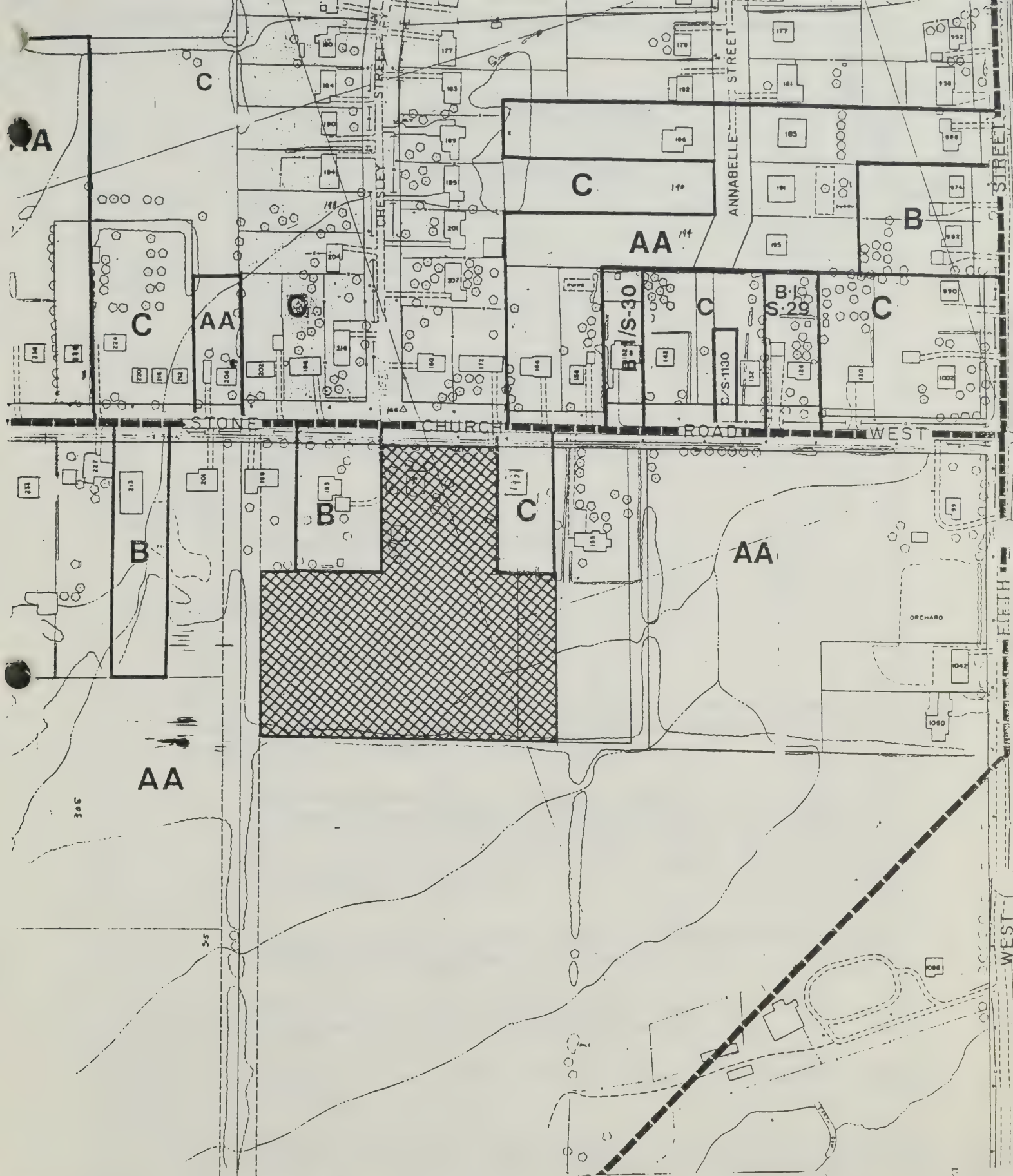
In the absence of any details shown, any works within the Stone Church Road West road allowance, as widened, must conform to the Region's Road Use By-law."

COMMENTS:

- 1) The proposal complies with the intent of the Official Plan and the proposed Sheldon Neighbourhood Plan.
- 2) The proposal has merit and can be supported for the following reasons:
 - a) it is compatible with existing and future planned single-family development in the area;
 - b) it implements both the intent of the Official Plan and the proposed Neighbourhood Plan; and,
 - c) it implements the conditions of rezoning imposed by the Regional Land Division Committee in conjunction with land severance applications H-107-90 and H-108-90.

CONCLUSION:

Based on the foregoing, the proposal can be supported.



LEGEND



SITE OF THE APPLICATION



APPENDIX A

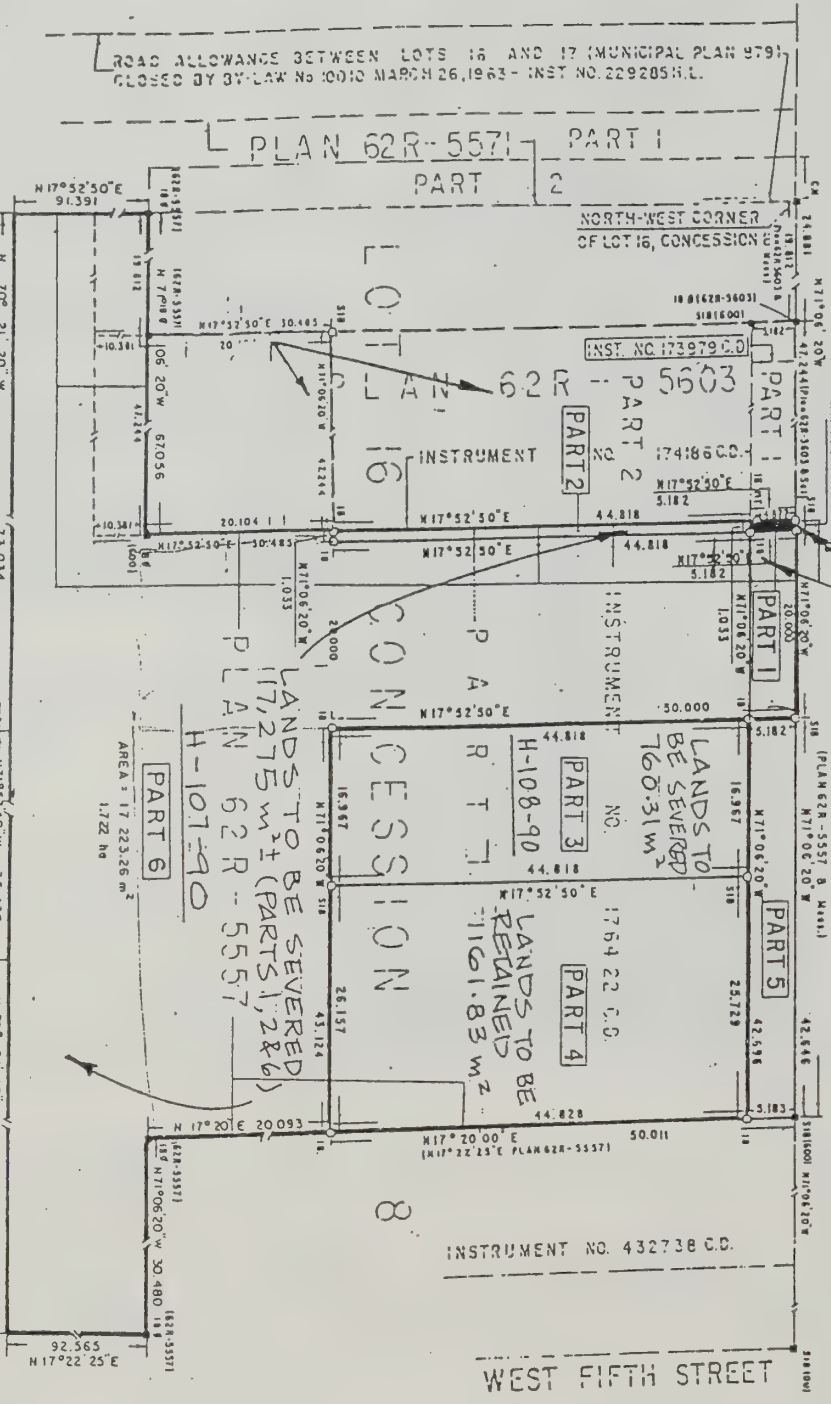
CHESELEY STREET

STONE CHURCH ROAD
ORIGINAL ALLOWANCE BETWEEN CONCESSIONS 7 AND 8

PLAN FOR LAND DIVISION COMMITTEE
OF PART OF
LOT 16, CONCESSION 8
FORMERLY IN THE
TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH
SCALE: 1" = 100' (1:1200)
A.T. McLAREN, OLS-1988

FILE NO.: H-107-90
H-108-90

DATE: MAY 29, 1990



CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.
NOTE: BEARINGS ARE ASTROLOGICAL AND ARE REFERRED TO THE SOUTHERLY LIMIT OF STONE CHURCH ROAD AS BEING N71°05'20" W, AS SHOWN ON PART 1, PLAN 62R-5557.

LEGEND:
1. BENCHMARK
2. MONUMENT
3. IRON BAR
4. STANDARD HIGH BAR
5. CONCRETE MONUMENT
6. CONCRETE MONUMENT
7. IRON BAR
8. OFFICE VERSION

SURVEYOR'S CERTIFICATE
I, CLAUDE T. A.T. McLAREN, OLS, being duly sworn, depose and say that the correct and true accordance with the survey act and the regulations made thereunder.
THE SURVEY WAS COMPLETED ON THE 11th DAY OF JULY, 1988.
A.T. McLAREN, OLS
Sept 13/88
A.T. McLAREN, OLS

METRIC NOTE:
MEASUREMENTS SHOWN ON THIS PLAN ARE IN METRES AND MAY BE CONVERTED TO FEET BY DIVIDING BY 30.48
A.T. McLAREN LIMITED
ONLOND LAND SURVEYORS
337-8333, 337-0032
A.T. McLAREN, OLS-1500, 337-23528

S	C	H	E	D	U	L	E
PART	LOT	CON	INST. N°	AREA			
1				5.35 m ²			
2	16	8	176422 C.D.	46.29 m ²			
3				760.31 m ²			
4				1161.83 m ²			
5				221.04 m ²			

NOTE:
PARTS 1 AND 5 ARE DESIGNATED TO THE REGION AS ROAD-WIDENINGS
PARTS 2, 3 AND 6 ARE TO BE SEVERED.
PART 4 IS TO BE RETAINED

PLAN 62R-
RECEIVED AND DEPOSITED
DATE:
LAND REGISTRY FOR THE
REGIONAL MUNICIPALITY OF
WENTWORTH (11062)
REGARD THIS PLAN TO BE
DEPOSITED UNDER THE
REGISTRY ACT
A.T. McLAREN, OLS

CITY OF HAMILTON
- RECOMMENDATION -

10.

DATE: 1991 February 12
(25T-89030)
(ZA-90-81)

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Proposed Draft Plan of Subdivision
Proposed Rezoning Application

RECOMMENDATION:

1. Subdivision Application
- a) That approval be given to Application 25T-89030, Luciano Scornaienchi, owner, to establish a draft plan of subdivision north of Stone Church Road and west of Upper Wentworth Street, subject to the following conditions:
 1. That this approval apply to the Plan prepared by A. J. Clarke and Associates Ltd., dated October 16, 1990 showing 12 lots, 1 block, (Block "13") for development with adjacent lands, 2 blocks (Block "16" and "17") as 0.3 metre reserves and two Blocks (Blocks "14" and "15") as road widenings.
 2. That the streets and the street widening be dedicated to the City of Hamilton as a public highway on the final plan.
 3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 4. That the final plan conform with the Zoning By-law approved under The Planning Act.
 5. That the owner make a cash payment in lieu of the conveyance of land included in the final plan to the City of Hamilton for park purposes.

6. That such easements as are required for utility and drainage purposes be granted to the appropriate authority.
 7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 8. That Block "13" be developed only in conjunction with adjacent lands.
 9. That Blocks "14" and "15" be dedicated as public road allowances.
 10. That Blocks "16" and "17", the 0.3 m reserves be conveyed to the City of Hamilton and the Region of Hamilton-Wentworth respectively.
 11. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 12. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-89030), Luciano Scornaienchi, owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

2. Rezoning Application

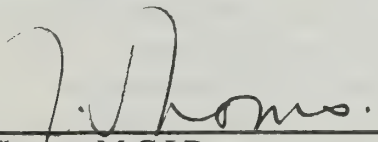
That approval be given to Zoning Application 90-81, Luciano Scornaienchi, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property municipally known as Nos. 829, 837, 845 and 867 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map No. E-18C for presentation to City Council;
- iii) That the proposed change in Zoning is in conformity with the Official Plan for the Hamilton Planning Area.

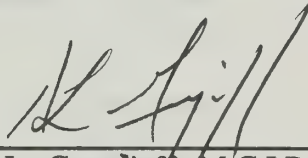
EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

The effect of the By-law is to subdivide the subject lands into building lots for single-family detached dwellings.



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



A. L. George, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner

Italo DiPietro, et. al, Hamilton, Ontario.

Agent

S. K. Woods Engineering Inc., Hamilton, Ontario.

Surveyor

J. D. Barnes Ltd., Hamilton, Ontario.

Location

The lands, comprising 0.836 ha, are located on the west side of Upper Wentworth Street north of Stone Church Road East in the Crerar Neighbourhood, City of Hamilton.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings small lot single-family dwellings, and an apart- ment	"C" (Urban Protected Residential, etc.) District, "D" (Urban Residential - One and Two-Family, Dwellings, Townhouses, etc.) District modified and "E-2" (Multiple Dwellings) District modified
to the south	vacant	"AA" (Agricultural) District
to the east	small lot single-family detached dwellings	"R-4" (Small Lot Single-Family Detached) District and "D" (Urban Protected Residential District - One and Two-Family Dwellings, Townhouses, etc.) District modified
to the west	single-family dwellings and vacant lands	"C" (Urban Protected Residential, etc.) District

Proposal - Subdivision

The owner proposes to subdivide the lands into 12 lots for Single-family dwellings, one block to be developed with adjacent lands, a block as a street widening, a block as a 0.3 m reserve and roads to service the proposed lots. The minimum size of the lots will have a width of 12.0m and an area of 366m².

Proposed - Rezoning

The owner has requested that the lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to allow for the development of single-family dwellings.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan - the lands are identified as "Urban Policy Area - Residential and Related Uses". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for "Single and Double Residential". The proposal complies.

Zoning - an amending Zoning By-law is required to permit the proposed development.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION;

The following agencies have advised they have no comment or objection toward the proposal:

- Ministry of Transportation;
- Ministry of the Environment (subject to standard noise conditions);
- Ministry of Natural Resources;
- Ministry of Culture & Communications; (subject to standard conditions);
- Hamilton Region Conservation Authority;
- Ontario Hydro, Union Gas and Bell Canada;
- City of Hamilton Traffic Department; (subject to change in lot lines); and,
- City of Hamilton Building Department (subject to re-zoning).

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"FOR INFORMATION

- 1) Public watermains, storm and sanitary sewers are available on the existing portion of Crerar Drive to the north of this subdivision.
- 2) The 0.30m reserve at the north limit of this subdivision on Crerar Drive will be lifted upon registration of this plan of subdivision.
3. The addition of "Court A" with Lots 4, 5 and 6 having double frontage along Upper Wentworth Street complies with the "approved plan" for the Crerar Neighbourhood, therefore, the applicant will not be required to pay local improvement costs for existing or future municipal services on Upper Wentworth Street.
- 4) There will be no 0.30m reserve required along the west limit of Crerar Drive adjacent to Part 3 of Plan 62R-10676, as future servicing costs for Crerar Drive were paid by the adjacent owner under land severances H-117 to 119-89."

RECOMMENDATIONS;

- 1) That a 0.30m reserve be established along the rear of Lots 4, 5 and 6 and shown as a separate block to be dedicated to the Region on the Final Plan.

- 2) That the 8.23m road widening along Upper Wentworth Street, adjacent to Lots 4, 5 and 6, be shown as a separate block to be dedicated to the Region as part of the road allowance on the Final Plan.
- 3) That a minimum centreline radius of 110.0m be established along the centreline of Crerar Drive for the horizontal curve.
- 4) That Block 14 (part of Cul-de-sac bulb adjacent to Lot 12) be dedicated to the City on the Final Plan.
- 5) That Block 13 be developed only in conjunction with the adjacent lands to the west (Crerar Court draft plan of subdivision).
- 6) That Block 15 (0.3m reserve at south limit of Crerar Drive) be dedicated to the City on the Final Plan.
- 7) The Owner must enter into subdivision agreements with both the City and Region prior to the development of any portion of these lands.

The submitted "Revised" plan as prepared by A. J. Clarke, O.L.S., stamped with the date October 17, 1990 is satisfactory to this department subject to the above noted comments and recommendations.

2. Rezoning Application

- The Building Department, Traffic Department, Freeway Corridor Office, Hamilton Region Conservation Authority and The Hamilton-Wentworth Regional Police Department have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:

"There are external watermains and separate storm and sanitary sewers to service these lands. Internal servicing, widenings, etc. will be dealt with under a draft plan of subdivision.

In the absence of any details shown, any works within the Upper Wentworth Street road allowance as widened, must conform to the Region's Road Use By-law".

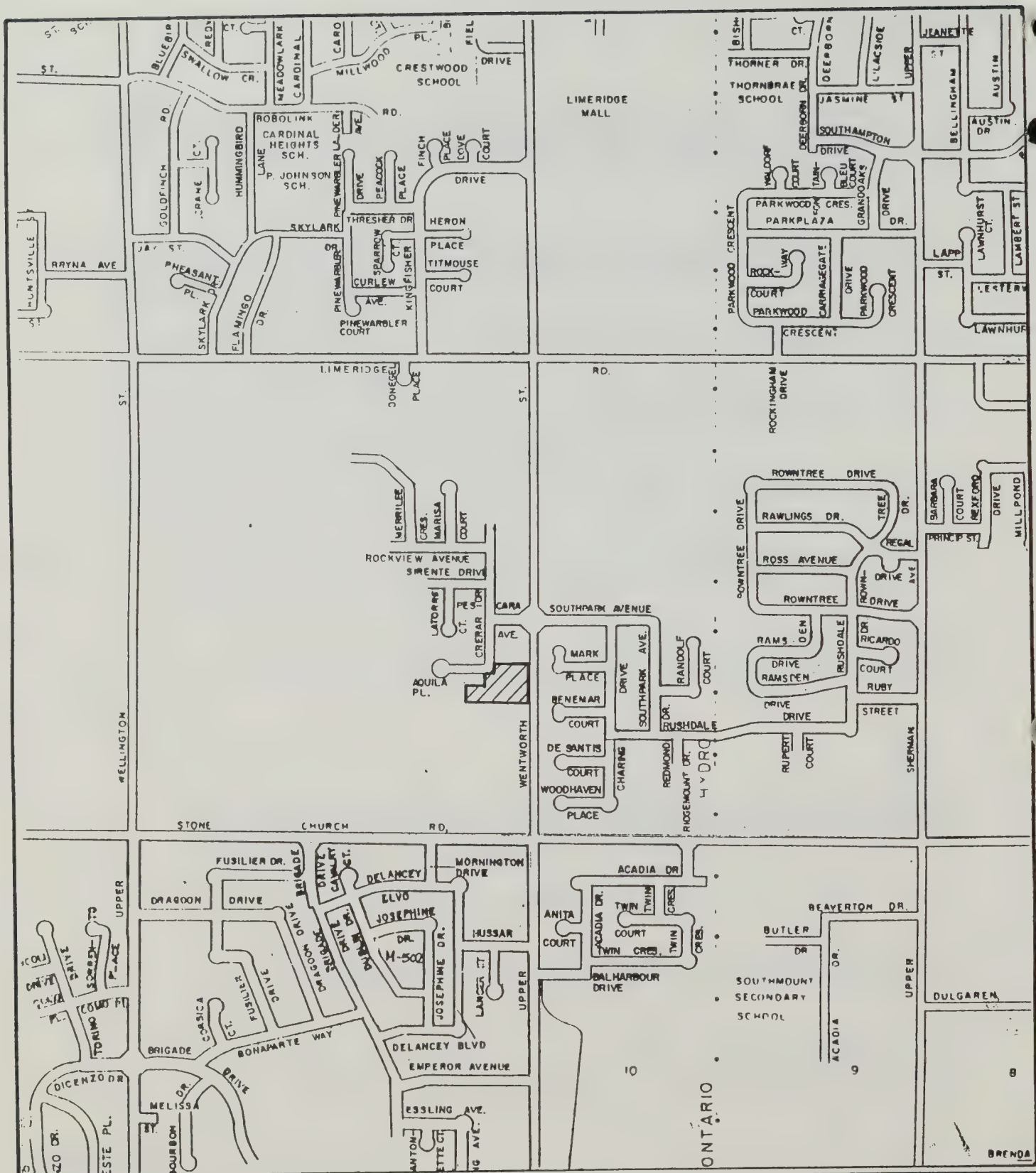
COMMENTS:

1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and a proposed amendment to the Zoning By-law to implement the plan.

2. As no part of the plan is designated for park or recreational use in the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
3. The requirement of the Ministry of Culture and Communications and the Ministry of the Environment can be implemented through the conditions of draft approval to be established by the Commissioner of Planning and Development.
4. The proposal has merit and can be supported for the following reasons:
 - it implements the intent of both the Official Plan and the approved Crerar Neighbourhood Plan;
 - it would be compatible with existing and future development contemplated in this area;
 - the requested change in zoning would be appropriate for the proposed development.

JLS:dc
Encl.

89030



Location Plan For CRERAR PLACE

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale
N.T.S.

Date
OCT. 12, 1989

Reference File No.
25T-89030

Drawing No.

59 38

LANDS OF THE ROMAN CATHOLIC EPISCOPAL CONFEDERATION

64.0'

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○
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31.11

[illegible]

$\gamma = \frac{1}{\sqrt{1 - \beta^2}}$

1990. 1990. 1990.

$$A(\lambda) = \begin{pmatrix} -\lambda & 0 \\ 0 & -\lambda \end{pmatrix}$$

744 41 11 18'27'26" 4
E. 111 271-11037

(ORIGINAL ROAD) ALLOWANCE BETWEEN TOWNSHIP LOTS 10 AND 11

DRAFT PLAN OF:

CRERAR PLACE

BEING A PROPOSED SUBDIVISION OF
PART OF LOT 11 - CONCESSION 7
GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Ad. J. Blank C. Z. J. 1990

SURVEYOR'S CERTIFICATE

VERIFY THAT THE COORDINATES OF THE LANS TO BE SUBMITTED AS SHOWN ON THIS PLAN AND THEIR ELEVATIONS ARE ACCURATELY AND CORRECTLY KNOWN

OWNER'S AUTHORIZATION

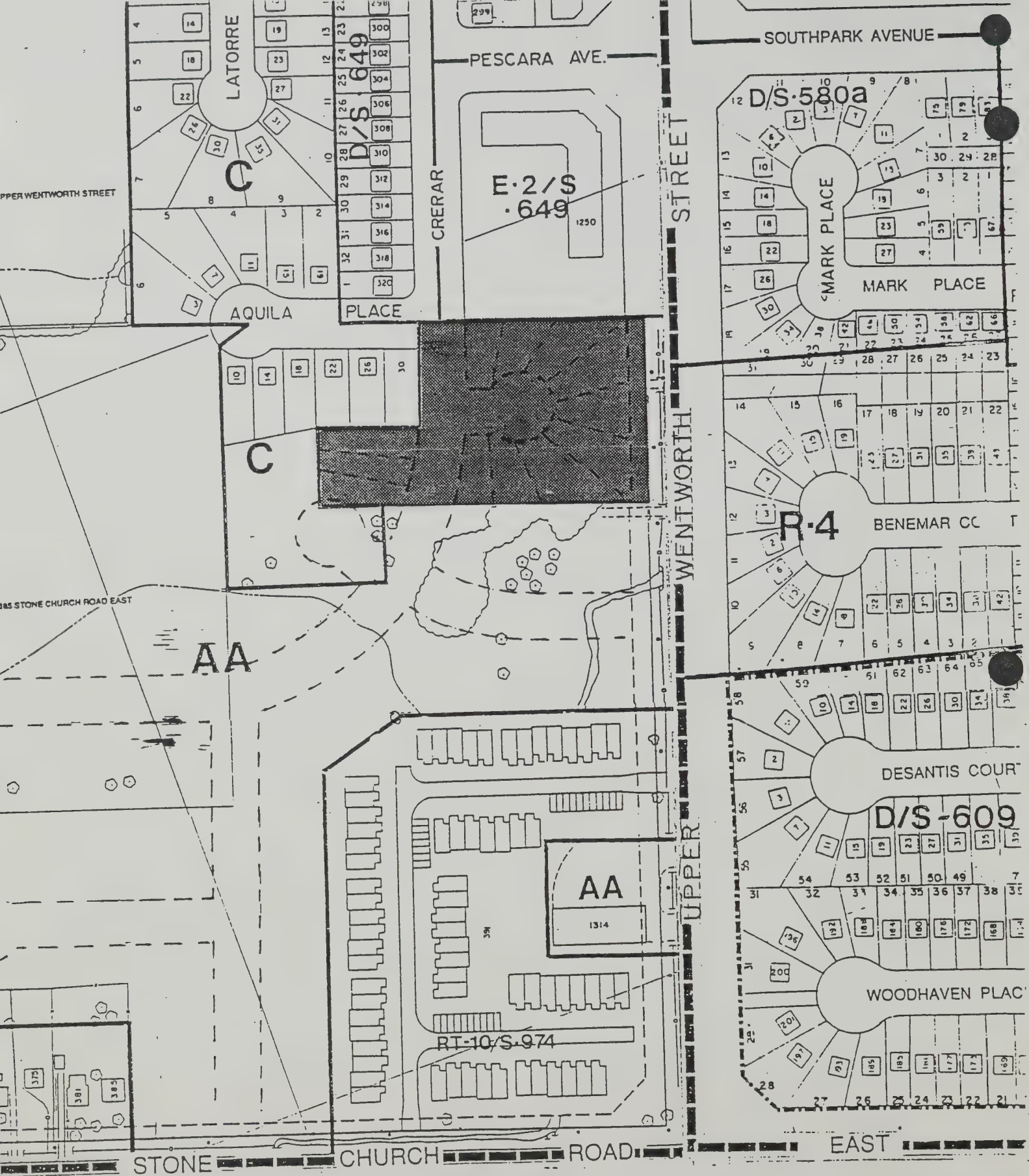
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LAND USE SCHEDULE:

TOTAL AREA OF SUBDIVISION = 0.640917 = 36.011
 ACRES
 0.640917 = 640,917 SQ. FT. AND 100 SQ. FT. =
 2.2957 ACRES
 0.640917 = 640,917 SQ. FT. IN CONJUNCTION
 WITH 100 SQ. FT. AND 100 SQ. FT. =
 2.2957 ACRES

DO NOT WRITE IN THESE SPACES TO BE REVIEWED

d. J. Blanks or Associates, Inc.
 10 AND BAYVIEW
 NEW YORK - NEW YORK 10021
 212-687-1100



Legend



Site of the Application



CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 13, 1991
(ZA-90-32; Eleanor Neighbourhood)

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for changes in zoning and a modification of zoning - Nos. 829, 837, 845 and 867 Rymal Road East.

RECOMMENDATION:

- A. That Zoning Application 90-32, Jerome Calzonetti, owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "1"), from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District (Block "2"), and from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified (Block "3") to permit townhouse development on Blocks "1" and "2" and a restaurant (donut shop) on Block "3" for property located at Nos. 829, 837, 845 and 867 Rymal Road East, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:
- i) The townhouse development proposed for the westerly portion of Block "2" conflicts with the intent of the approved Eleanor Neighbourhood Plan in that it represents an intrusion of a multiple-family development into an area zoned "C" (Urban Protected Residential, etc.) District and designated for "SINGLE and DOUBLE RESIDENTIAL" use; and,
 - ii) The townhouse development proposed for the westerly portion of Block "2" encroaches upon the public walkway established in conjunction with the Eaglewood Manor Draft Plan of Subdivision.

B. That approval be given to amended Zoning Application 90-32, Jerome Calzonetti, owner, for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "1"), from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District (Block "2"), and from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified (Block "3"), to permit townhouse development on Blocks "1" and "2" and a restaurant (donut shop) on Block "3", for property located at Nos. 829, 837, 845 and 867 Rymal Road East, as shown on the attached map marked as APPENDIX "B", on the following basis:

- i) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
- ii) That the lands described as Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;
- iii) That the lands described as Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District;
- iv) That the "RT-20" (Townhouse-Maisonette) District regulations as contained in Section 10E of Zoning By-law No. 6593 applicable to Blocks "1" and "2" be modified to include the following variance as a special requirement:
 - a) That Section 10E(2)(a)3 shall not apply.
 - b) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the westerly and northerly lot lines which adjoin the "C" (Urban Protected Residential, etc.) District and along the easterly lot line of Block "1";
 - c) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the westerly and northerly lot lines which adjoin the "C" (Urban Protected Residential, etc.) District, and along the easterly lot line of Block "1";
- v) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to Block "3" be modified to include the following variances as special requirements:

- a) That notwithstanding Section 14A(1) of By-law No. 6593 only the following commercial use shall be permitted:
 - 1. A restaurant
- b) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the northerly and westerly lot lines;
- c) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the northerly and westerly lot lines.
- vi) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-38D & E-38E be notated S- ;
- vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38D & E-38E for presentation to City Council;
- viii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- ix) That the following changes be made to the approved Eleanor Neighbourhood Plan:
 - Block "1" - redesignation of the westerly part of the Block from "SINGLE and DOUBLE RESIDENTIAL" to "ATTACHED HOUSING";
 - Block "2" - redesignation of the lands from "COMMERCIAL and APARTMENTS" to "ATTACHED HOUSING";
 - Block "3" - redesignation of the lands from "COMMERCIAL and APARTMENTS" to "COMMERCIAL".

EXPLANATORY NOTE:

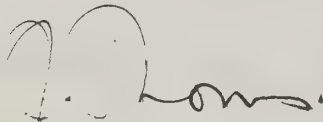
The purpose of the By-law is to provide for changes in zoning for lands at Nos. 829, 837, 845 and 867 Rymal Road East, as shown on the attached map, marked as APPENDIX "B", on the following basis:

- Block "1" - From: "AA" (Agricultural) District
To: "RT-20" (Townhouse-Maisonette) District
- Block "2" - From: "C" (Urban Protected Residential, etc.) District
To: "RT-20" (Townhouse-Maisonette) District
- Block "3" - From: "C" (Urban Protected Residential, etc.) District
To: "HH" (Restricted Community Shopping and Commercial, etc.) District
modified

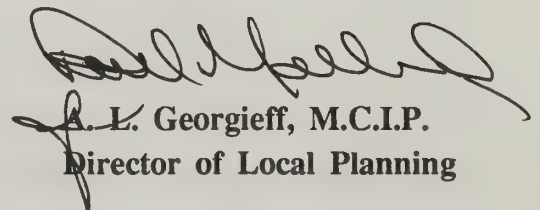
The effect of the By-law is to permit future townhouse development on Blocks "1" and "2" and only a restaurant (do-nut shop) on Block "3".

In addition, the By-law provides for the following variances as special requirements:

- To prohibit street townhouse development on Blocks "1" & "2";
- To require a minimum 3.0 m wide landscaped planting strip to be provided and maintained along the westerly and northerly lot lines of Blocks "1" and "2" which adjoin the "C" (Urban Protected Residential, etc.) District, and along the easterly lot line of Block "1";
- To require a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained along the westerly and northerly lot lines of Block "1" and "2" which adjoin the "C" (Urban Protected Residential, etc.) District, and along the easterly lot line of Block "1".
- To require a minimum 3.0 m wide landscaped planting strip to be provided and maintained along the northerly and westerly lot lines of Block "3";
- To require a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained along the northerly and westerly lot lines of Block "3".



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the proposed changes in zoning is to permit future development for townhouses for lands shown as Blocks "1" and "2", and a restaurant (do-nut shop) for land shown as Block "3", as shown on the attached map marked as APPENDIX "A".

- Previous Application

At its meeting held on January 3, 1990 the Planning and Development Committee DENIED Zoning Application 88-111. The proposal involved changes in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District to permit the construction of a strip commercial plaza on the subject lands. The application was denied for the following reasons:

- "a) The proposal conflicts with the intent of the Official Plan which designates the majority of the lands "Residential".
- b) It conflicts with the recently approved Eleanor Neighbourhood Plan which designates the site "Commercial and Apartments" (minimum 50% residential), "Attached Housing" and "Single and Double Housing". The intent of the "Commercial and Apartments" designation is to allow for mixed use developments and not solely for commercial purposes.
- c) Approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Neighbourhood Plan".

At its meeting held on January 30, 1990, City Council adopted the recommendation of the Planning and Development Committee to DENY the application.

- Land Severance Applications

At its meeting held on May 1, 1990 the Regional Land Division Committee considered and approved Land Severance Application H-59 & 60-90 which provided for the following land severances (see APPENDIX "C"):

- H-59-90 - To convey a vacant parcel of land measuring 12.200 m x 30.195 m for residential purposes, and to retain the balance of the holding consisting of two parcels of land, one measuring 12.200 m x 30.195 m, the other measuring 12.278 m x 30.195 m for residential purposes.

- H-60-90 - To convey an irregular shaped parcel of land having a frontage of 12.779 m and lot area of 385.45 m² for residential purposes, and to retain the balance of the holding also irregular in shape having a frontage of 11.474 m and lot area of 853.066 m² (Blocks 5 & 7) for residential purposes.

On February 19, 1991 the Regional Land Division Committee will consider the following land severance application involving the subject lands:

- H-14-91 - To convey a parcel of land having a frontage of 45.8 m and lot area of 2428.8 m² for commercial purposes (Block "3" - APPENDIX "A") and to retain the balance of the holding (Block "2" - APPENDIX "A") measuring 69.7 m x 72.7 m for residential purposes.

The Planning and Development Department have recommended that the application be tabled pending the outcome of the rezoning application.

- Revisions to the Eaglewood Manor Draft Plan of Subdivision:

At its meeting held on October 24, 1990, the Planning and Development Committee deleted Block "2" from the conditions of draft approval (condition K) of the Eaglewood Manor Draft Plan of Subdivision, Plan 62M-622 Regional File No. 25T-87040. Removal of this condition permitted Block "22" to be developed on it own as it meets with all the zoning requirements (see APPENDIX "B").

At its meeting held on October 30, 1990, City Council adopted the recommendation of the Planning and Development Committee to amend condition K noted above.

APPLICANT:

Jerome Calzonetti, owner and prospective owner.

LOT SIZE AND AREA:

- 201.64 m (661.5 ft.) of lot frontage on Rymal Road East;
- an average lot depth of 62.5 m (205.29 ft.); and,
- approximately 0.6 ha (1.49 ac.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	three, vacant single-family dwellings and a vacant restaurant	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	vacant lands and single-family dwellings	"AA" (Agricultural) District "C" (Urban Protected Residential, etc.) District and "RT-20" (Townhouse-Maisonette) District modified (recently approved ZA-90-16)
to the south	single-family dwelling, vacant lands and townhouses	"AA" (Agricultural) District, "R-4" (Small Lot Single-Family Detached) District and "RT-10" (Townhouse) District

to the east	vacant	"G" (Neighbourhood Shopping Centre, etc.) District
to the west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

Designated in part "RESIDENTIAL" (Blocks "1" & "2") and in part "COMMERCIAL" (Block "3") on Schedule A - Land Use Concept of the Official Plan and subject to, among others, the following policies:

Townhouse development (Blocks "1" and "2")

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density development will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The proposal to permit townhouse development on Blocks "1" and "2" complies with the intent of the Official Plan.

Commercial Development (Block "3")

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for commerce. In this regard, commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

- A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
- ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to and parking on, the premises to do business.
- A.2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-commercial uses. Such development will only be permitted where traffic and/or parking problems will not be created and subject to the approval of the Region.
- A.2.2.23 Off-street parking and loading will be required within predominately Highway Commercial areas, and will be provided by the developers or owners of commercial development.
- A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
 - ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Use; and,
 - iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses."

The proposed restaurant use on Block "3" would not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are located within the approved Eleanor Neighbourhood Plan and are designated as follows:

Block "1" - in part "SINGLE and DOUBLE RESIDENTIAL" and in part "ATTACHED HOUSING"

Blocks "2" - "COMMERCIAL and APARTMENTS"
and "3"

The proposal does not comply with the intent of the approved Eleanor Neighbourhood Plan. Approval of the application would require redesignation of the westerly part of Block "1" from "SINGLE and DOUBLE RESIDENTIAL" to "ATTACHED HOUSING", redesignation of Block "2" from "COMMERCIAL and APARTMENTS" to "ATTACHED HOUSING", and redesignation of Block "3" from "COMMERCIAL and APARTMENTS" to "COMMERCIAL". In addition, the proposed development encroaches on the walkway established on Block "2".

COMMENTS RECEIVED:

- The Building Department has advised that:

- "1. The sketch plan does not provide sufficient information to determine compliance with the provision of Section 10E and Section 14A of Zoning By-law 6593.
2. A portion of the lands known as Block 30 of Plan 62M-622 has been dedicated to the City for the purpose of public walkway. This walkway shall be considered into the proposed development of these lands."

- The Traffic Department has advised that:

- "1. We find the request to rezone the lands to "RT-20" to be satisfactory provided that no street townhouse be permitted frontage onto Rymal Road.
2. The applicant is also requesting to rezone a portion of the above-noted property to "HH" modified to permit a restaurant only (donut shop). It is our understanding that a donut shop is not defined in the zoning by-law and that the development of these lands cannot be restricted to such a use. The committee should be advised

that, although the applicant states the intent of constructing a donut shop on these lands any restaurant including high traffic generators, could be developed at this location.

3. We recommend that any development of the subject lands, as a result of the zoning change, be subject to site plan control to facilitate a comprehensive review of the access, parking and loading.
4. The applicant should be advised that future channelization of the intersection may restrict access to right turns in and out only."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands. The designated road allowance width of both Rymal Road East and Upper Gage Avenue is 36.58 m. In accordance with this designation, sufficient lands should be dedicated to the Region to establish the Upper Gage Avenue road allowance 18.29 m from the centreline of the original road allowance and on Rymal Road East from the centreline of construction. A 12.19 m x 12.19 m daylight triangle should also be dedicated to the Region at the corner of Rymal Road East and Upper Gage Avenue from the widened limits of both streets.

Any works within either the Upper Gage Avenue or Rymal Road East road allowances, as widened, must conform to the Region's Road Use By-law."

- The Hamilton Region Conservation Authority and The Hamilton-Wentworth Regional Police Department have no comments or objections.

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal does not comply with the intent of the approved Eleanor Neighbourhood Plan. Approval of the application would involve the following changes to the Plan:

Block "1" - redesignation of the westerly part of the Block from "SINGLE and DOUBLE RESIDENTIAL" to "ATTACHED HOUSING";

Block "2" - redesignation from "COMMERCIAL and APARTMENTS" to "ATTACHED HOUSING";

Block "3" - redesignation from "COMMERCIAL and APARTMENTS" to "COMMERCIAL".

In addition, the proposed development encroaches on the existing walkway between Eaglewood Drive and Rymal Road East.

3. The proposal to permit townhouse development and limited commercial development on three blocks as opposed to mixed use commercial and apartment development has merit as both types of uses implement the long term goals of the plan. However, the proposal as submitted cannot be supported for the following reasons:

- i) The townhouse development proposed for the westerly portion of Block "2" conflicts with the intent of the approved Eleanor Neighbourhood Plan in that it represents an intrusion of a multiple-family development into an area zoned "C" (Urban Protected Residential, etc.) District and designated for "SINGLE and DOUBLE RESIDENTIAL" use; and,
- ii) The townhouse development proposed for the westerly portion of Block "2" encroaches upon the public walkway established in conjunction with the Eaglewood Manor Draft Plan of Subdivision. In this regard, the proposal to relocate the existing walkway to "skirt around" or go through the proposed townhouse development is undesirable as it potentially compromises pedestrian safety, lacks visibility because of potential blind corners, and would be difficult to police and maintain.

4. In light of the foregoing comments, consideration could be given to an amended zoning application to permit the proposed townhouse development on the lands shown as Blocks "1" and "2", and only a restaurant (do-nut shop) on the lands shown as Block "3" on the attached map marked as APPENDIX "B" for the following reasons:

- a) it would comply with the intent of the Official Plan;
- b) it would implement the long term goals and objectives of the Eleanor Neighbourhood Plan by providing for multiple family and commercial development at this location;

- c) it is suitably located on the periphery of the Eleanor Neighbourhood at the intersection of two major roads (Rymal and Upper Gage);
- d) it is situated on a public transit route;
- e) it would be compatible with existing and proposed development in this area including single-family and townhouse development to the north and south, commercial development to the east and single-family development to the west.

5. The "RT-20" (Townhouse-Maisonette) District zoning proposed for Blocks "1" and "2" would be appropriate for this development. In the absence of a preliminary site plan for the development indicating details of the proposal, the developer must satisfy the "RT-20" (Townhouse-Maisonette) District regulations. In keeping with the concerns of the Traffic Department, it is suggested that the amending by-law prohibit "street townhouse" development.

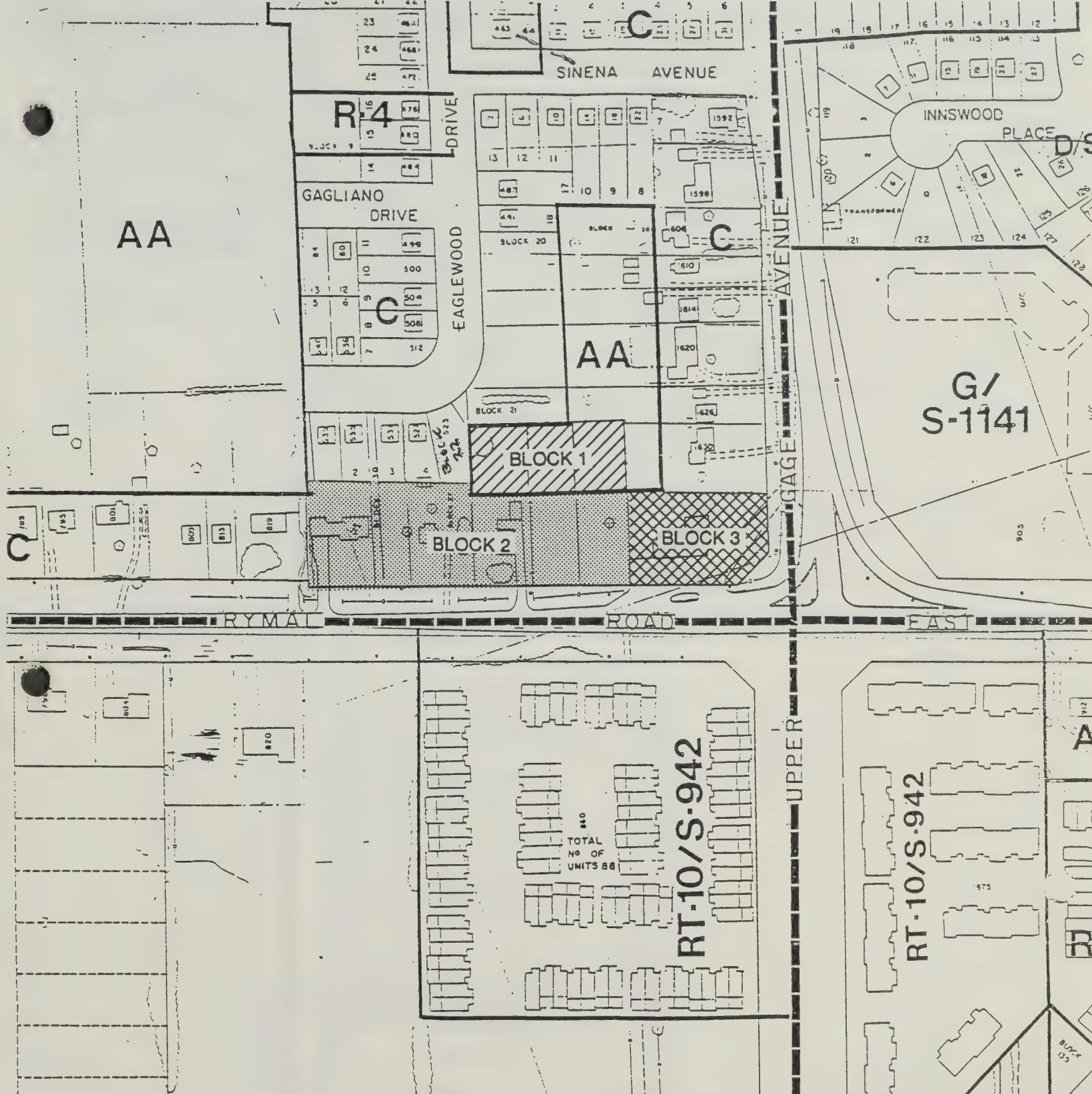
In addition, the amending by-law should provide for a minimum 3.0 m wide landscaped planting strip and a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained along those portion of Blocks "1" and "2" which adjoin the "AA" (Agricultural) District and the "C" (Urban Protected Residential, etc.) District. This would provide for privacy and protection for existing and future single-family dwellings at these locations.

6. The "HH" (Restricted Community Shopping and Commercial) District zoning proposed for Block "3" would be appropriate for the proposed restaurant use. In order to limit the site to only this use, it would be appropriate to restrict the use in the amending by-law. In order to provide privacy and protection for the adjoining residential development to the north and west, it is suggested that the amending by-law require a minimum 3.0 m wide landscaped planting strip and a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained along the northerly and westerly lot lines.
7. Both the "RT-20" (Townhouse-Maisonette) District and the "HH" (Restricted Community Shopping and Commercial) District are subject to Site Plan Control By-law No. 79-275 as amended by By-law No. 87-223. Matters such as landscaping, grading, parking, access, loading, fencing, lighting, signs, etc. can be further reviewed at the site plan approval stage of development.

CONCLUSION

On the basis of the foregoing, approval could be given to an amended application.

GAW:ma/dkp
WPZA9032



Legend

Proposed change in zoning from:

BLOCK 1



"AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District.

BLOCK 2



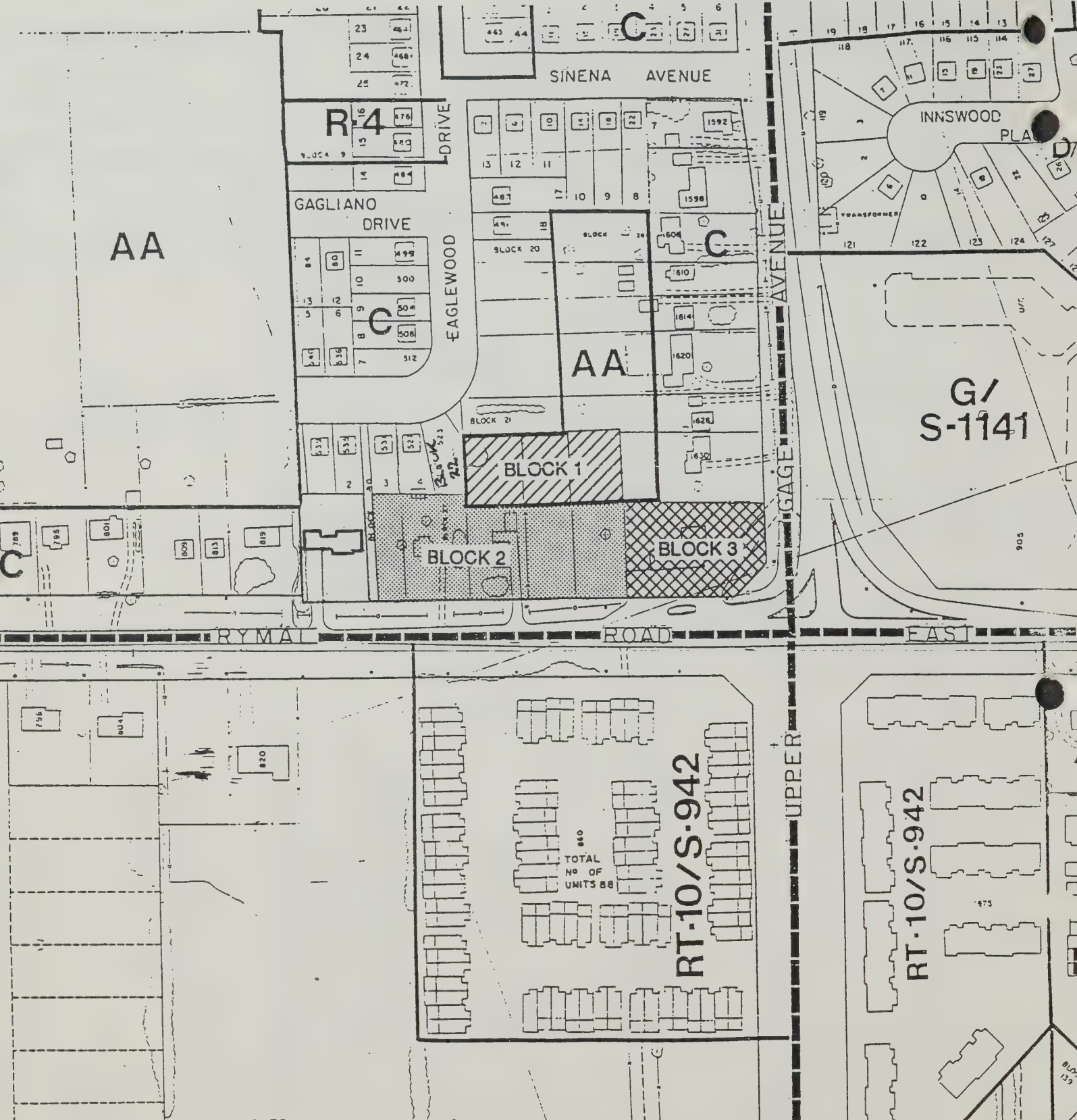
"C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District.

BLOCK 3




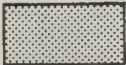

"C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified.





Legend

Proposed change in zoning from:

- | | | |
|---------|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| BLOCK 1 |  | "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District. |
| BLOCK 2 |  | "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District. |
| BLOCK 3 |  | "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified. |



Clark Manor

BEING A SUBDIVISION OF
PART OF LOT 7, CONCESSION 8
IN THE GEOGRAPHIC TOWNSHIP OF BARTON, COUNTY OF WENTWORTH
NOW IN THE

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH

SCALE 1:250



J. D. BARNES LIMITED
1989

FILE NOS. H-59-90

H-60-90

DATE: APRIL 3, 1990

NOT TO SCALE

SHEET 2 OF 2



DRIVE

EAGLEWOOD

BLOCK 21

BLOCK 22

LOT 17

LOT 18

62M-

622

BLOCK 20

BLOCK 6

LANDS TO BE RETAINED
PART 1, PLAN 62R-
368.379 M²
1

LANDS TO BE SEVERED
2
368.379 M²
PART 2, PLAN 62R-
H-59-90

LANDS TO BE RETAINED
3
371.404 M²

LANDS TO BE SEVERED
PART 3, PLAN 62R-
385.45 M² ±
H-60-90
4

LANDS TO BE RETAINED
5
624.640 M² ±

LANDS TO BE
RETAINED
BLOC 7
228.426 M² ±

HOME
OF
FINE
SERVICE

**CUPIDO
REALTY**

& INSURANCE LTD. • 90 JOHN S
REALTOR

PHONE: 528-9841

FAX: 52

HAMILTON, ONTARIO

12.

DATE: FEB. 13/91

TO: JOANNE HICKEY - EVANS

ATT: → PLANNING AND DEVELOPMENT.

FROM: TONY TIRONE

OF PAGES 01 (includes cover)

RE: 623 UPPER JAMES - 2A-90-84.

Please be advised that we
wish to withdraw our
application for the above
address.

Yours Truly

Tony Tirone
for Kingdom Properties Inc.

OUR FAX # 528-4442

FEB 05 1991

15 Brucedale Ave.E.,
Hamilton, L8N 2A5.

February 1, 1991.

The Corporation of the City of Hamilton,
Planning and Development Committee,
71 Main St.W.,
Hamilton, L8N 3T4.

12a.

Dear Sir:

RE: File ZA90-84 - SEQ-00029

Our card opposing the proposed changes regarding 623 Upper James St. is enclosed.

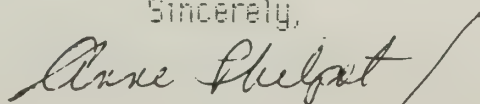
We have several reasons for opposing this change. The first is environmental and has to do with the erecting of an apt. building on one of the few remaining sites of land with beautiful large old trees still remaining on it. The Hamilton mountain has been stripped over the years, farmland and woods turning into shopping centres and new housing complexes.

Secondly, there is already a parking and traffic problem due to business on Upper James, Drs. offices requiring patient parking, etc. We have a High School and a Grade School within one block and the increased traffic of a 40 Unit apt. building will only add to the potential of accidents with children and increase parking problems. Where is the proposed exit for this building - on to Upper James which has heavy traffic all day, or on to the side street, Brucedale, with children coming and going to school?

Lastly, townhouses were built across the street from us a few years ago, tearing down an old house and enormous numbers of trees. I assume the people who bought these townhouses thought they were going to have a lovely lot behind them with trees and privacy, instead they will have a six storey Apt. looking into their homes and their privacy will be lost.

We will attempt to attend the meeting at City Hall on Feb. 20th at 10:45AM if our jobs allow.

Sincerely,



Anne & Andrew Philpot

13.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 11, 1991
ZA-90-73
Mewburn Neighbourhood

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department

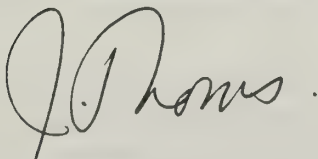
SUBJECT:

Request for a change in zoning - lands on the east side of West Fifth Street in the area south of Stone Church Road West.

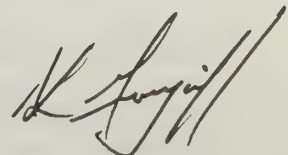
RECOMMENDATION:

That Zoning Application 90-73, Mary Finochio and Mascia Enterprise, owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, to permit a 120 unit townhouse development on property located on the east side of West Fifth Street in the area south of Stone Church Road West, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- a) The proposed townhouse development conflicts with the intent of the approved Mewburn Neighbourhood Plan which designates the subject land for "SINGLE AND DOUBLE RESIDENTIAL" use;
- b) It would be incompatible with existing and future intended uses in the surrounding area; and,
- c) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the neighbourhood plan and alter the character of the area.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the proposed change in zoning is to permit a 120 unit townhouse development on the subject lands (see APPENDIX "B").

- Zoning Application 88-36

At its meeting held on July 13, 1988 the Planning and Development Committee **DENIED** Zoning Application 88-36 for a change in zoning from "AA" (Agricultural) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to permit multiple family development (apartments) on property surrounding No. 1073 West Fifth Street. The application was denied for the following reasons:

- a) The proposed multiple family development conflicts with the intent of the approved Mewburn Neighbourhood Plan which designates the subject lands for "SINGLE AND DOUBLE RESIDENTIAL" use.
- b) It would set a precedent for future similar applications.
- c) It would be incompatible with existing and future intended uses in the surrounding area.

- By-law No. 82-141 (ZA-82-14)

City Council passed By-law No. 82-141 on June 29, 1982. The purpose of the By-law was to provide for a change in zoning from "AA" (Agricultural) District to "B" (Suburban Agriculture and Residential, etc.) District for property located at No. 1073 West Fifth Street.

The effect of the By-law was to permit a severance of land at No. 1073 West Fifth Street on which a heritage building is located, from the subject lands.

- Land Severance Application H-6-85

At its meeting held on January 22, 1985 the Regional Land Division Committee considered and approved land severance application H-6-85 to convey a 30.48 m x 60.96 m parcel of land occupied by a heritage dwelling and to retain an irregular shaped parcel of vacant land surrounding the conveyed parcel having a broken frontage of 187.4 m and 58.674 m respectively fronting onto West Fifth Street.

APPLICANTS:

Mary Finocchio and Mascia Enterprise, owners.

LOT SIZE AND AREA:

- 187.4 m (614.82 ft.) of lot frontage on West Fifth Street;
- 143.7 m (471.54 ft.) of lot depth; and,
- 2.69 ha (6.65 acres).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	single-family dwelling and vacant	"B" (Suburban Agriculture and Residential, etc.) District and "AA" (Agricultural) District
to the south	greenhouses and a single-family dwelling	"AA" (Agricultural) District
to the east	vacant	"AA" (Agricultural) District
to the west	single-family dwellings	"AA" (Agricultural) District

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan and subject to, among others, the following policies:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL area of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density development will complement those of a lower density, with sufficient spacing to maintain privacy amenity and value.
- C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
- iii) Encourage RESIDENTIAL development that provides a range of types of tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;"

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Designated for "SINGLE AND DOUBLE RESIDENTIAL" use on the approved Mewburn Neighbourhood Plan, the proposal does not comply with the intent of the Neighbourhood Plan. Approval of the application would require redesignation from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING".

COMMENTS RECEIVED:

- The Building Department has advised as follows:

"It appears that the minimum 3.5 m between buildings has not been provided.

Note: Land Division Committee application H-6-85 severed a parcel 30.48 m x 60.96 m for the existing house at 1073 West 5th and the land remaining had broken frontage of 187.4 m & 58.674 m remaining in one parcel. Frontage and parcel should be verified."

- The Traffic Department has advised that:

"The approved neighbourhood plan for the area designates the property as single and double residential. However, the approved plan only deals with the area east of West 5th Street and the future status of West 5th Street has not been finalized. We cannot support the rezoning of these lands to a higher density at this time and therefore recommend that the application be tabled until such time as the neighbourhood plan for the remainder of the Mewburn Neighbourhood is finalized."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are external public watermain available to service these lands. However, there are no sanitary sewers available. Internal servicing shall be dealt with through a draft plan of subdivision.

Any works within the West 5th Street road allowance must conform to the Region's Road Use By-law."

- The Hamilton Region Conservation Authority and the Hamilton-Wentworth Regional Police Department have no comments or objections.

COMMENTS:

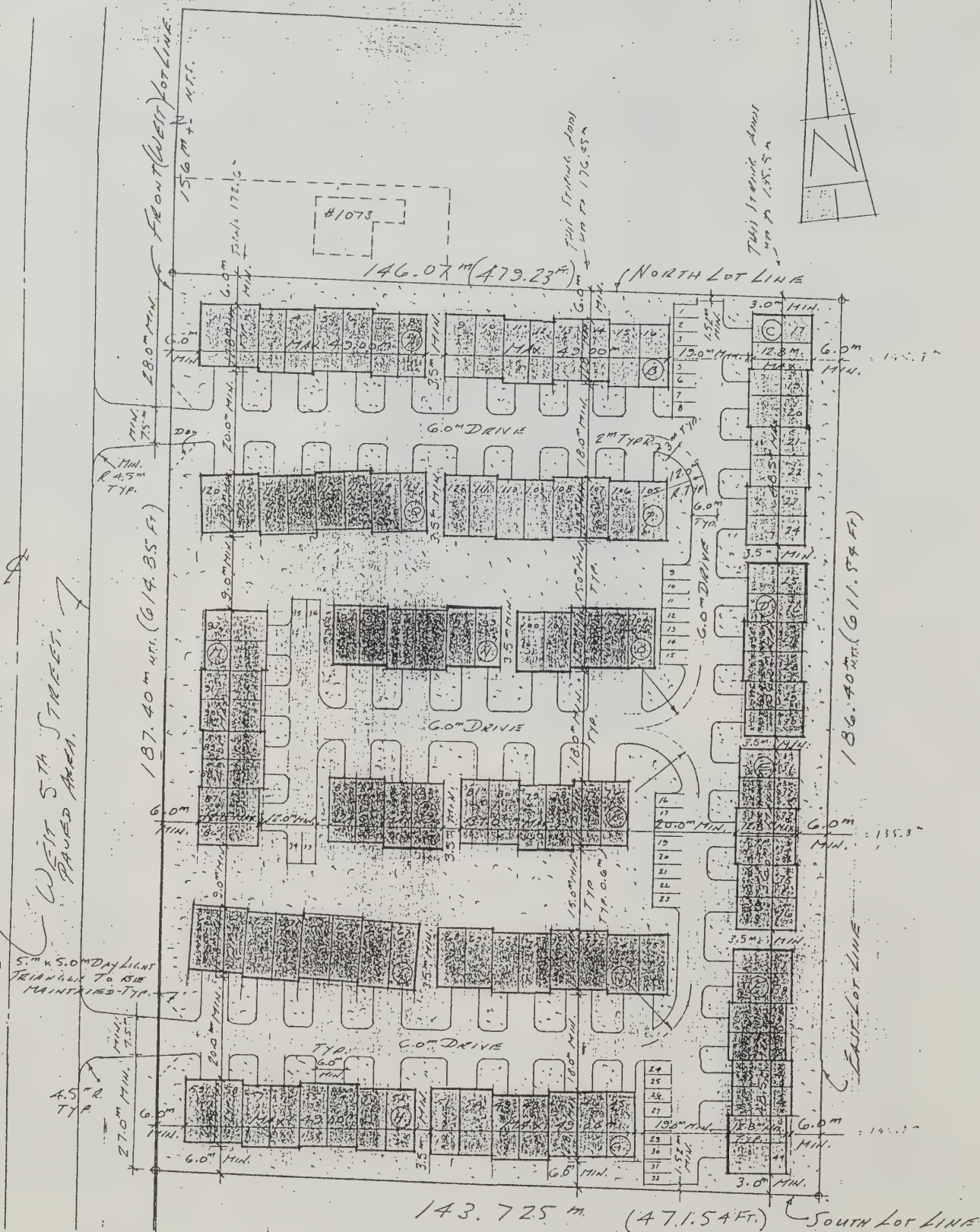
1. The proposal would not conflict with the intent of the Official Plan.
2. The proposal conflicts with the intent of the approved Mewburn Neighbourhood Plan which designates the subject land for "SINGLE AND DOUBLE RESIDENTIAL" use. Approval of the application would require redesignation to "ATTACHED HOUSING".
3. The agent has advised that this development is to be affordable housing. Although this Department supports the provision of increased affordable housing, this proposal cannot be supported for the following reasons:
 - i) it conflicts with the intent of the approved Mewburn Neighbourhood Plan which designates the subject lands for "SINGLE AND DOUBLE RESIDENTIAL" use;
 - ii) it would be incompatible with existing and future intended uses in the surrounding area; and,
 - iii) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the neighbourhood plan and alter the character of the area.

4. Although the Building Department has identified one variance, the applicant has advised that the project would be constructed in accordance with the requirements of the City's Zoning By-law.
5. The Engineering Department has advised that services would not be available for these lands for three to five years.
6. The subject lands are not held in separate title but are part of a larger piece of property. A severance would be required prior to any independent development of these lands.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

GAW/MLT/ma
WPZA9073





ROSART
PROPERTIES INC.

13a

ZA90-73

February 8, 1991

Mr. Joseph Finochio
Broker
Finochio Real Estate Inc.
134 James St. South
Hamilton, Ontario
L8P 2Z4

Dear Mr. Finochio:

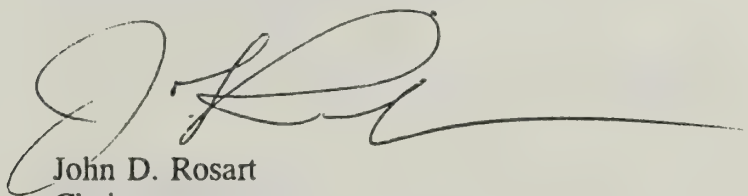
RE: **YOUR TOWN HOUSE PROJECT**
LOT 15, CONCESSION 8 - WEST 5TH ST., HAMILTON, ONTARIO
APPLICATION OF MARY FINOCHIO AND MASCIA ENTERPRISES

This letter will serve as support to your **INTENSE** development re the above application. A project such as yours is definitely needed in this area.

The park on the west side of West 5th Street and the commercial development we have at the corner of Rymal Road and James will make this a very viable area.

Yours truly,

ROSART PROPERTIES INC.



John D. Rosart
Chairman

JDR/bst
Encls.

14.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 February 8
(734.1)

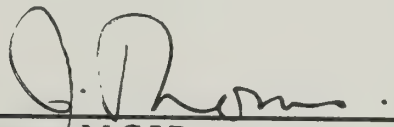
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner, Planning and Development

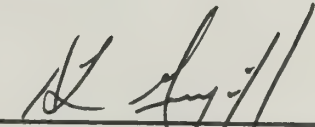
SUBJECT: Public Meeting to Consider Passing of
a By-law to Rename Ridge Street to Jeremy Street

RECOMMENDATION:

That approval be given to change the street name of Ridge Street in the Jerome Neighbourhood to Jeremy Street.



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



A. L. Georgieff, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING IMPLICATIONS:

N/A

LEGAL IMPLICATION:

A by-law has to be prepared by the Legal Department to rename Ridge Street to Jeremy Street.

BACKGROUND:

Hamilton City Council's approved Section 13 of the Twenty-second Report for 1990 of the Planning and Development Committee on 1990, December 11. This report was prepared to eliminate the duplication of a road name, a section of Ridge Street is located in the

Greenington Neighbourhood, north of the proposed Mountain Freeway while the section to be renamed is located in the Jerome Neighbourhood south of the proposed Mountain Freeway.

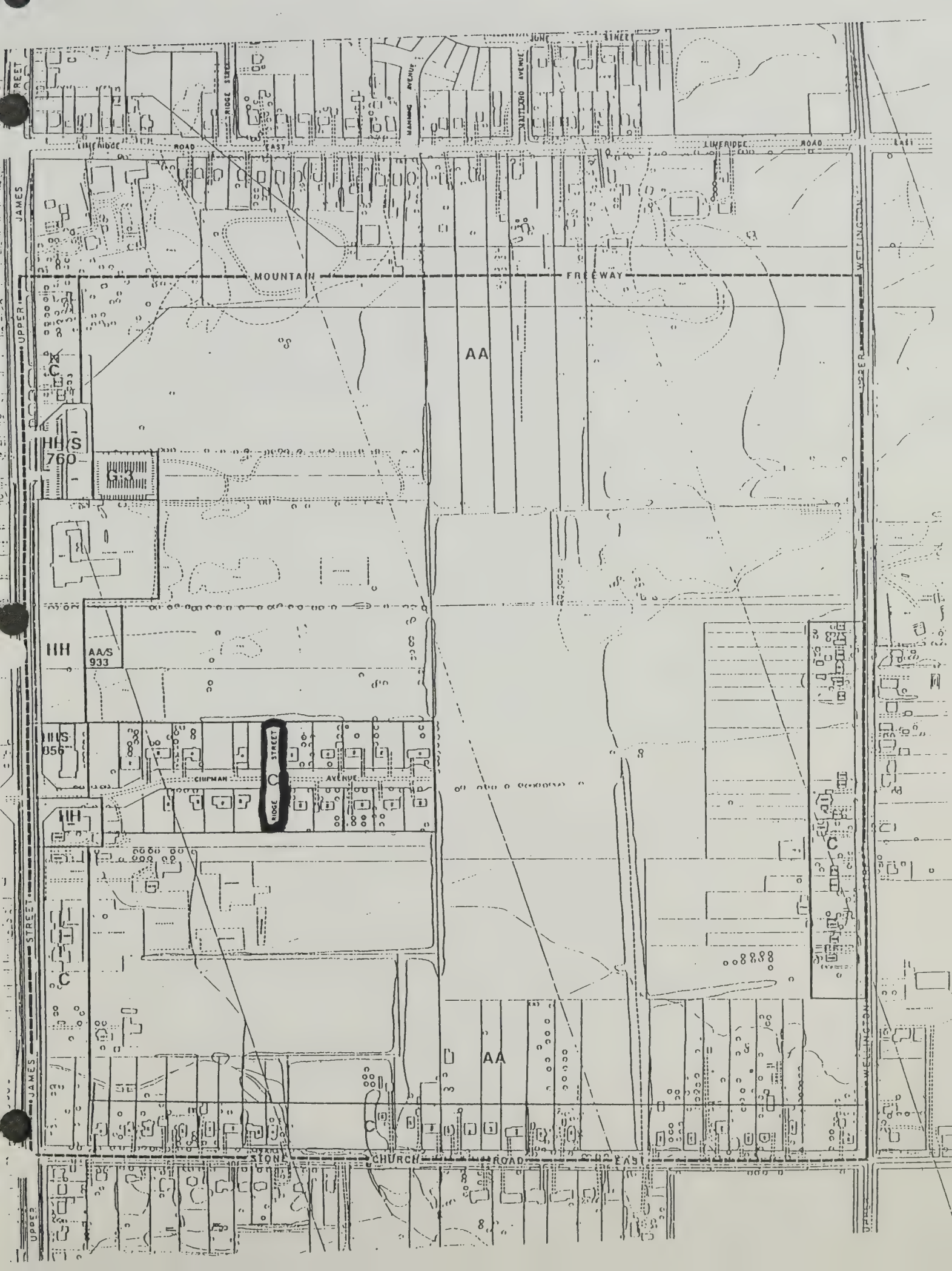
LOCATION:

Ridge Street is located in the Jerome Neighbourhood, north and south of Chipman Avenue and east of James Street.

COMMENTS:

1. The renaming of that section of Ridge Street located in the Jerome Neighbourhood south of the proposed Mountain Freeway would correct a confusing existing situation.
2. Notice of the subject public meeting was published in the Spectator for four successive weeks in accordance with the Municipal Act requirements. A number of telephone inquiries were received at the Planning and Development Department but no correspondence has been received in support or opposition to the proposed street name change.

JLS:dc
C:citrep:734.1



AA

AA

PLANNING AND DEVELOPMENT COMMITTEE
1991 FEBRUARY 20TH

C O N S E N T A G E N D A

ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT
COMMITTEE

- A. Minutes of the meeting of the Planning and Development Committee held on Wednesday, 1991 January 23rd.

BUILDING COMMISSIONER

- B. Demolition Permit Application - 611 Rennie Street.
C. Demolition Permit Application - 348 Cumberland Avenue.
D. City of Hamilton Heritage Programme - 221 Ferguson Avenue South.
E. Clearing of the premises - 65 and 67 Beach Road.

CITY SOLICITOR

- F. Planning Department Application Fees.

DIRECTOR OF PUBLIC WORKS

- G. Repeal of By-laws - Downtown Hamilton Action Plan, Core Redevelopment Area, Plans and Addendums.

MANAGER OF PURCHASING

- H. Design Consultant - Central/Beasley P.R.I.D.E. Programme.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

- I. Designation - 179 Mary Street.

Wednesday, 1991 January 23
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

A.

There were present: Alderman F. Lombardo, Chairman
Alderman D. Drury, Vice-Chairman
Mayor Robert Morrow
Alderman M. Kiss
Alderman V. Formosi
Alderman W. McCulloch
Alderman H. Merling

Regrets: Alderman D. Wilson - Illness
Alderman D. Ross - City business

Also present: Alderman J. Gallagher
Alderman T. Jackson
Alderman G. Copps
Mr. D. Kelterborn, Board of Education
Mr. A. Georgieff, Director of Local Planning
Mr. B. Janssen, Planning Department
Mr. W. Wong, Building Department
Mr. D. Carson, Mayor's Office
Ms. P. Noé Johnson, City Solicitor
Mr. K. Brenner, Regional Engineering
Mr. D. Godley, Planning Department
Mrs. N. Chapple, Planning Department
Mr. J. Sakala, Planning Department
Mr. R. Karl, Traffic Department
Mr. L. King, Building Commissioner
Mr. P. Lampman, Deputy Building Commissioner
Mr. B. Allick, Building Department
Ms. J. McNeilly, Public Works Department
Mr. M. Watson, Real Estate Division, Property Department
Mrs. Susan K. Reeder, Secretary

1. CONSENT AGENDA

The Committee approved the following items contained within their Consent Agenda:

A. ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE:

The Committee approved the minutes of their last meeting held on Wednesday, 1990 December 5th as circulated to them.

DIRECTOR OF PUBLIC WORKS

B. Appointment of Citizen's Advisory Committee - Central/Beasley P.R.I.D.E. Programme.

The Committee was in receipt of a report from the Director of Public Works dated 1991 January 15, respecting the above noted matter and approved the following:

For the information of the members of City Council, the following citizens were appointed by the Planning and Development Committee to the Central/Beasley Citizens' Advisory Committee for the purpose of preparing a Community Improvement Plan:

Herbert Bluscke	Public School Board (Elected)
James Drake	Catharine Street North (Elected)
David Ducharme	Catharine Street North (Elected)
Dr. P. Fam	Catharine Street North (Elected)
Elizabeth Ward	John Street North (Elected)
Silva Habensas	Elgin Street
Art Raymond	Public School Board
Doug Wallace	Amity
Marty Karl	Mission Services
Vinze Piccolotto	Separate School Board
George D'Aurelio	Colbourne Street
Art Verrall	Wesley Centre
Major Don Bursey	Salvation Army (Alternate: Major James Smith)
Father Gus Smith	St. Mary's Church
Joseph Macaluso	Murray Street

C. Designation of a Community Improvement Project Area - Central/Beasley Neighbourhood.

The Committee was in receipt of a report from the Director of Public Works dated 1991 January 17, respecting the above noted matter and approved the following:

- (a) That, a Community Improvement Project Area be designated as per the attached Schedule "A", attached herewith and marked as Appendix "A", for the Central/Beasley Neighbourhoods in conformity with the Planning Act, Section 28; and,
- (b) That, the City Solicitor be authorized and directed to prepare the necessary By-law for (a) above.

NOTE: On 1989 October 10 City Council adopted the above resolution with different proposed boundaries. The Ministry of Municipal Affairs has advised the City that the area must be contained within one continuous boundary.

D. Main Street West B.I.A. Proposed Budget and Schedule of Payments for 1991.

The Committee was in receipt of a report from the Director of Public Works dated 1991 January 16, respecting the above noted matter and approved the following:

- (a) That the 1991 operating Budget of the Main Street West B.I.A. be approved in the amount of four thousand dollars (\$4,000.); and,
- (b) That the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference (a) above; and,
- (c) That the schedule of payments for 1991 be as follows:

February 01	\$ 2,000.
July 01	\$ 2,000.

E. Downtown Promenade B.I.A. Proposed Budget and Schedule of Payments for 1991.

The Committee was in receipt of a report from the Director of Public Works dated 1991 January 16, respecting the above noted matter and approved the following:

- (a) That the 1991 operating Budget of the Downtown Promenade B.I.A. be approved in the amount of one hundred and ninety-nine thousand dollars (\$199,000.); and,
- (b) That the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference (a) above; and,

- (c) That the schedule of payments for 1991 be as follows:

January 01	\$ 16,583.33
February 01	16,583.33
March 01	16,583.33
April 01	16,583.33
May 01	16,583.33
June 01	16,583.33
July 01	16,583.33
August 01	16,583.33
September 01	16,583.33
October 01	16,583.33
November 01	16,583.33
December 01	16,583.33

NOTE: 1990 Levy Arrears will be deducted from the first payment for 1991.

I. Barton General B.I.A. Proposed Budget and Schedule of Payments for 1991.

The Committee was in receipt of a report from the Director of Public Works dated 1990 December 27, respecting the above noted matter and approved the following:

- (a) That the 1991 operating Budget of the Barton General B.I.A. be approved in the amount of six thousand dollars (\$6,000.); and,
- (b) That the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference (a) above; and,
- (c) That the schedule of payments for 1991 be as follows:

April 01	\$ 2,000.
July 01	2,000.
October 01	2,000.

NOTE: 1990 Levy Arrears will be deducted from the first payment for 1991.

H. Westdale Village B.I.A. Proposed Budget and Schedule of Payments for 1991.

The Committee was in receipt of a report from the Director of Public Works dated 1990 December 27, respecting the above noted matter and approved the following:

- (a) That the 1991 operating Budget of the Westdale Village B.I.A. be approved in the amount of thirty thousand dollars (\$30,000.); and,
- (b) That the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference (a) above; and,
- (c) That the schedule of payments for 1991 be as follows:

February 01	\$ 7,500.
April 01	7,500.
June 01	7,500.
October 01	7,500.

NOTE: 1990 Levy Arrears will be deducted from the first payment for 1991.

G. Ottawa Street B.I.A. Proposed Budget and Schedule of Payments for 1991.

The Committee was in receipt of a report from the Director of Public Works dated 1991 January 2, respecting the above noted matter and approved the following:

- (a) That the 1991 operating Budget of the Ottawa Street B.I.A. be approved in the amount of eighty-five thousand dollars (\$85,000.); and,
- (b) That the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference (a) above; and,
- (c) That the schedule of payments for 1991 be as follows:

March 01	\$42,500.
July 01	21,250.
September 01	21,250.

NOTE: 1990 Levy Arrears will be deducted from the first payment for 1991.

F. Concession Street B.I.A. Proposed Budget and Schedule of Payments for 1991.

The Committee was in receipt of a report from the Director of Public Works dated 1990 December 27, respecting the above noted matter and approved the following:

- (a) That the 1991 operating Budget of the Concession Street B.I.A. be approved in the amount of twenty-nine thousand, seven hundred and forty-five dollars (\$29,745.); and,
- (b) That the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference (a) above; and,
- (c) That the schedule of payments for 1991 be as follows:

March 01	\$ 6,700.
April 01	4,700.
June 01	6,700.
August 01	5,700.
October 01	5,945.

NOTE: 1990 Levy Arrears will be deducted from the first payment for 1991.

J. International Village B.I.A. Proposed Budget and Schedule of Payments for 1991.

The Committee was in receipt of a report from the Director of Public Works dated 1991 January 16, respecting the above noted matter and approved the following:

- (a) That the 1991 operating Budget of the International Village B.I.A. be approved in the amount of fifty-six thousand, four hundred and seventy dollars (\$56,470.); and,
- (b) That the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference (a) above; and,
- (c) That the schedule of payments for 1991 be as follows:

February 01	\$14,117.50
April 01	14,117.50
June 01	14,117.50
October 01	14,117.50

NOTE: 1990 Levy Arrears will be deducted from the first payment for 1991.

K-P. BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS

The Committee was in receipt of reports from the Building Commissioner, respecting Demolition Permit Applications and approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 84-1/2 Aikman Avenue
- (b) 86-1/2 Aikman Avenue
- (c) 22 Wellington Street North
- (d) 1879 King Street East
- (e) 671 Upper Paradise Road
- (f) 1477 Upper James Street

BUILDING COMMISSIONER - CITY OF HAMILTON HERITAGE PROGRAMME APPLICATIONS

Q. 219 Ferguson Avenue South.

The Committee was in receipt of a report from the Building Commissioner, dated 1991 January 16, respecting the above-noted matter and approved the following:

- (a) That an increase of three hundred and nine dollars (\$309.) be approved under the Community Heritage Trust Fund for a new loan amount of two thousand, nine hundred and ninety-three dollars (\$2,993.) be approved for Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over ten years; and,
- (b) That an increase of three hundred and ten dollars (\$310.) be approved under the Designated Property Grant Programme for a new grant amount of two thousand, nine hundred and ninety-four (\$2,994.) be approved for Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton.

R. 223 Ferguson Avenue South.

The Committee was in receipt of a report from the Building Commissioner, dated 1991 January 16, respecting the above-noted matter and approved the following:

- (a) That an increase of one hundred and ninety dollars (\$190.) be approved under the Community Heritage Trust Fund for a new loan amount of two thousand, seven hundred and fifty-seven dollars (\$2,757.) be approved for Penelope Preston, 223 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over ten years; and,
- (b) That an increase of one hundred and eighty-nine dollars (\$189.) be approved under the Designated Property Grant Programme for a new grant amount of two thousand, seven hundred and fifty-seven (\$2,757.) be approved for Penelope Preston, 223 Ferguson Avenue South, Hamilton.

S. 225 Ferguson Avenue South.

The Committee was in receipt of a report from the Building Commissioner, dated 1991 January 16, respecting the above-noted matter and approved the following:

- (a) That an increase of one hundred and ninety dollars (\$190.) be approved under the Community Heritage Trust Fund for a new loan amount of two thousand, seven hundred and fifty-seven dollars (\$2,757.) be approved for Hugh Caughey, 225 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over ten years; and,
- (b) That an increase of one hundred and eighty-nine dollars (\$189.) be approved under the Designated Property Grant Programme for a new grant amount of two thousand, seven hundred and fifty-seven (\$2,757.) be approved for Hugh Caughey, 225 Ferguson Avenue South, Hamilton.

T. 227 Ferguson Avenue South.

The Committee was in receipt of a report from the Building Commissioner, dated 1991 January 16, respecting the above-noted matter and approved the following:

- (a) That an increase of one hundred and eighty-nine dollars (\$189.) be approved under the Community Heritage Trust Fund for a new loan amount of two thousand, eight hundred and thirty-three dollars (\$2,833.) be approved for Elaine Elson, 227 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over ten years; and,
- (b) That an increase of one hundred and ninety dollars (\$190.) be approved under the Designated Property Grant Programme for a new grant amount of two thousand, eight hundred and thirty-four (\$2,834.) be approved for Elaine Elson, 227 Ferguson Avenue South, Hamilton.

CITY SOLICITOR**U. 172 Beach Road - Repeal of By-law No. 89-243.**

The Committee was in receipt of a report from the City Solicitor dated 1991 January 4, and approved the following:

That By-law No. 89-243, respecting property at 172 Beach Road, passed by City Council on 1989 August 29, be repealed.

NOTE: City Council, on 1989 August 29, enacted By-law No. 89-243 which modified the "K" zoning of 172 Beach Road to allow a lodging house for seven persons. The by-law also exempted the owner from providing parking on the site.

After the by-law was passed, two objectors appealed the by-law to the Ontario Municipal Board, based on the parking problems that might be created by the exemption in By-law No. 89-243.

The Ontario Municipal Board scheduled the Hearing of the appeal for 1991 January 3. During the time period between the passing of the by-law in 1989 and the Hearing date, the ownership of the premises changed. When the new owner was informed of the Ontario Municipal Board appeal, he decided he did not want to pursue the zoning change. At the Hearing, the Ontario Municipal Board Member requested that the City pass a by-law to repeal By-law No. 89-243.

V. Part-Lot Control - Part of Holland Avenue and Parcel B, Registered Plan 909.

The Committee was in receipt of a report from the City Solicitor dated 1991 January 3, respecting the above-noted matter and approved the following:

That By-law No. 90-91 and By-law No. 90-334, respecting part-lot control on part of Holland Avenue and Parcel B, Registered Plan 909, be repealed.

NOTE: Research has shown that Registered Plan 909 was deemed not to be a registered plan by By-law No. 9375, passed on 1961 June 27. Therefore, By-law No. 90-91 and By-law No. 90-334 are not necessary.

W. CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE - Revised Membership.

The Committee was in receipt of a report from the Chairperson of the Central Area Plan Implementation Committee (C.A.P.I.C.) dated 1991 January 7, respecting the above-noted matter and approved the following:

For the information of the members of City Council, the following revised membership list for the Central Area Plan Implementation Committee has been approved by the Planning and Development Committee:

Charles Forsyth, Citizen Member
Russell Elman, Durand Neighbourhood Association Inc.
Alderman William McCulloch, City of Hamilton
Dr. John Eyles, McMaster University
Mark Boyak, Hamilton Real Estate Board
Bruce Charlton, Citizen Member
Ozzie Ferguson, United Senior Citizens of Ontario
Arthur Lomax, Hamilton Automobile Club
Gabriel Etele, Downtown Business Improvement Area
Anne Stewart, Hamilton Board of Education
Kay Nolan, Hamilton-Wentworth Roman Catholic Separate School Board
Maggie Fischbuch, Citizen Member
John Nolan, Citizen Member
Bruce Rankin, Hamilton Society of Architects
Gillian Simmons, North End Neighbourhoods
Gloria DeSantis, Social Planning and Research Council
Marvin Wasserman, King East Business Association
Andrew McKenzie, Hamilton District Labour Council
Helen Nemeth, Beasley Neighbourhood.

REGULAR AGENDA

MAYOR ROBERT M. MORROW

2. Recommendation of the Ad Hoc Committee - Commonwealth Square, Summers Lane.

The Committee was in receipt of a report from the Secretary of the Ad Hoc Committee - Commonwealth Square, Summers Lane dated 1991 January 10, respecting the above-noted matter.

Mayor Morrow spoke to these recommendations and requested specifically that Section (a) of the recommendation be tabled until such time as the Parks and Recreation Committee has considered the Baird, Sampson Study. Accordingly, the Committee agreed to table the following recommendation:

- (a) That the Ad Hoc Committee - Commonwealth Square, Summers Lane endorses the Baird, Sampson Study dated 1990 September 12, which recommends that the best location for the Crystal Palace is Commonwealth Square.

NOTE: The Ad Hoc Committee encourages the Crystal Palace Sub-Committee to solicit representation from the Art Gallery, H.E.C.F.I., Board of Education, C.A.P.I.C., and City staff in developing the design of the Crystal Palace Project.

The Mayor then spoke to the remaining portion of the recommendation and also added that consideration be given to a further recommendation to encourage the use of Commonwealth Square for such activities as out-door music concerts and displays of local art.

The Committee then approved the following:

- (a) That the Art Gallery be encouraged to accept a recently offered donation of sculptured items to be placed on Commonwealth Square and/or a revitalized Summers Lane;
- (b) That the Art Gallery be encouraged in its pursuit of creating a new entrance to their facility;
- (c) That encouragement be given to utilize Commonwealth Square for such uses as outdoor music concerts and displays of local art; and,
- (d) That the Chief Administrative Officer be directed to co-ordinate staff on a redevelopment of Summers Lane in conjunction with the above-noted projects.

3. C.N. Station.

Mayor Morrow spoke to the Committee with respect to Via Rail leaving the CN Station building on James Street North and requested that the Committee give direction to the Chief Administrative Officer to co-ordinate staff to meet with CN Officials on the future use of the building at James Street North.

The Committee then approved the following:

That the Chief Administrative Officer co-ordinate staff to meet with CN Officials to discuss alternate uses for the CN Station building on James Street North.

ALDERMAN WM. McCULLOCH

4. Site Plan Enforcement.

Alderman McCulloch spoke to the Committee with respect to the need to review the present site plan enforcement procedures with a view to ensuring that the City is in a position to ensure that the site plans are met.

Accordingly, the Committee directed that the Director of Local Planning undertake a review of the present site plan enforcement procedures and report back to the Committee with possible alternate proposals on site plan enforcement procedures.

REFERRALS FROM CITY COUNCIL

5. Resolution - Town of Vaughan - Ontario Government Housing Policy.

The Committee was in receipt of a resolution from the Town of Vaughan respecting the Ontario Government Housing Policy and agreed to receive the following resolution:

That the following resolution from the Town of Vaughan be received:

WHEREAS the housing policy of the Ontario government introduced in 1989 has been established without Municipal support; and,

WHEREAS a number of local Municipalities as well as the Association of Municipalities of Ontario "AMO" have expressed some real concerns as to the policy's workability and implementation; and,

WHEREAS the new Ontario NDP government has shown a willingness to consult with municipal government in a spirit of co-operation.

BE IN THEREFORE RESOLVED THAT the Ontario government through Ministry of Housing and Ministry of Municipal Affairs undertake the following:

- (a) rescind the present housing policy;
- (b) begin an immediate review in order to establish a new policy in co-operation and consultation with local governments with the desire to obtaining mutually acceptable objectives that are clearly attainable and workable and indeed flexible to reflect local community needs and concerns;
- (c) and that such review has the direct involvement of elected municipal representatives.

BE IT FURTHER RESOLVED THAT this resolution be circulated to the Honourable Bob Rae, the Premier of Ontario, the Honourable Dave Cooke, the Minister of Housing and Minister of Municipal Affairs, the Honourable Gregory Sorbara, M.P.P. for York Centre, all Municipalities in the G.T.A. and all the Municipalities in Ontario with a population in excess of 50,000.

6. Resolution - Town of Vaughan - Ontario Municipal Board.

The Committee was in receipt of a resolution from the Town of Vaughan respecting the Ontario Municipal Board and agreed to receive the following resolution:

That the following resolution from the Town of Vaughan be received:

WHEREAS there have recently been a number of Ontario Municipal Board (Board) hearings in which the Board has overturned the planning decisions of the Council of The Corporation of the Town of Vaughan;

AND WHEREAS the Board has apparently imposed these decisions without proper regard for the concerns of the elected representatives and the residents who will be directly affected by the decisions;

AND WHEREAS the Planning Act, 1983, has given the authority to adopt official plan amendments, to enact zoning by-laws and to approve site plans to the councils of local municipalities;

AND WHEREAS it is of great concern to the Mayor and Members of Council, and the residents of the Town of Vaughan, that their opinions are not being given sufficient weight by the Board;

AND WHEREAS the role and operation of the Board should be the subject of a review by the Ontario Government;

NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Town of Vaughan inform Premier Rae, the Ministers of Housing and Municipal Affairs, and the Attorney General, that it strongly objects to the apparent disregard by the Ontario Municipal Board in these decision for the concerns and opinions of the elected representatives and the residents they represent;

AND THAT it be requested that the Ontario Municipal Board give more weight to the opinions of the council, in accordance with the principle that the elected representatives are in the best position to assess the needs and desires of their community, as expressed by the Board itself in the Major Holdings and Developments Limited v City of Cambridge 1980 decision;

AND THAT the Ontario Government be petitioned to undertake a full review of the Board's role and operation;

AND THAT Mr. Greg Sorbara, M.P.P. York Centre, the Association of Municipalities of Ontario, all municipalities in the Greater Toronto Area, and all municipalities with a population over 50,000 be so advised.

DIRECTOR OF PUBLIC WORKS

The Committee was advised that Items 7, 8, and 9 of their Agendas as follows should be deleted from the Agenda:

7. Application to the Ministry of Municipal Affairs - Crown Point East/McAnulty Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.)
8. Appointment of Consultant - Ferguson Avenue Revitalization.
9. Reporting structure of the Community Renewal Section, Parks Division, Public Works Department.

DIRECTOR OF PROPERTY - PURCHASES BY THE CITY

10. 21 Gerrard Street - 914844 Ontario Limited for the Alpha West Residential Enclave Clearance Programme.

The Committee was in receipt of a report from the Director of Property dated 1991 January 15, respecting the above-noted matter and approved the following:

- (a) That an Option to Purchase the property at 21 Gerrard Street, duly executed by 914844 Ontario Limited (President Chris Bahl) on 1991 January 15, and scheduled to close on or before 1991 March 25, be completed. The subject property has a frontage of 5.791 metres (19 feet), more or less, by a depth of 30.5 metres (100 feet), more or less, together with all structures erected thereon, being Municipal Number 21 Gerrard Street.
- (b) The purchase price of \$75,000. is to be charged to Account Number CF 55903 08750001 (Land Acquisition Enclave Clearance Program). Demolition is to take place upon closing.

NOTE: The subject property lies within the Alpha West Residential Enclave. The acquisition of this property is in conjunction with the Residential Enclave Clearance Program, initiated for the purpose of purchasing and demolishing primarily residential dwellings located in older industrial zoned sections in the north-east part of the City.

On 1989 June 27, City Council authorized the City's application for approval to expropriate sixteen (16) remaining properties in the Alpha West Enclave. However, through negotiations, the subject property has been acquired prior to the expropriation plan being registered, therefore avoiding the expropriation proceeding.

11. 221 Brant Street - Stephen Mark O'Neill for the Alpha West Residential Enclave Clearance Programme.

The Committee was in receipt of a report from the Director of Property dated 1991 January 15, respecting the above-noted matter and approved the following:

- (a) That an Option to Purchase the property at 221 Brant Street, duly executed by Stephen Mark O'Neill on 1991 January 4, and scheduled to close on or before 1991 March 1, be completed. The subject property has a frontage of 9.144 metres (30 feet), more or less, by a depth of 24.384 metres (80 feet), more or less, together with all structures erected thereon, being Municipal Number 221 Brant Street.
- (b) The purchase price of \$73,000. is to be charged to Account Number CF 55903 08750001 (Land Acquisition Enclave Clearance Program). Demolition is to take place upon closing.

NOTE: The subject property lies within the Alpha West Residential Enclave. The acquisition of this property is in conjunction with the Residential Enclave Clearance Program, initiated for the purpose of purchasing and demolishing primarily residential dwellings located in older industrial zoned sections in the north-east part of the City.

On 1989 June 27, City Council authorized the City's application for approval to expropriate sixteen (16) remaining properties in the Alpha West Enclave. However, through negotiations, the subject property has been acquired prior to the expropriation plan being registered, therefore avoiding the expropriation proceeding.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

12. Approval for attendance - "Designing for Conservation" Workshop.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1991 January 7, respecting the above-noted matter and approved the following:

- (a) That Alderman William McCulloch represent the Local Architectural Conservation Advisory Committee at the Architectural Conservancy of Ontario Inc.'s "Designing For Conservation" Workshop to be held in Toronto, Ontario from 1991 February 15-16; and,
- (b) That the costs for this workshop be financed from the Legislative Travel Account (Account No. CH 55201 10010).

13. City-owned designated and listed historic properties - Interim uses to be investigated.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1991 January 17, respecting the above-noted matter and approved the following:

That in the case of City-owned Designated and Listed historic properties, that consideration be given to an interim use (i.e. renting) for these properties until a final use has been determined.

NOTE: The purpose of this recommendation is to prevent vandalism of vacant historic properties.

Only a limited number of Designated and Listed properties would be affected. The City's historic museums would be excluded as these properties have a permanent use.

14. 105 Aberdeen Avenue - Application for 180 day delay in demolition under the Ontario Heritage Act.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1991 January 17, respecting the above-noted matter and approved the following:

That City Council impose the 180-day delay of demolition pursuant to Section 34 of the Ontario Heritage Act for the designated property at 105 Aberdeen Avenue.

NOTE: The current owner applied for a demolition permit on 1990 November 14.

DIRECTOR OF LOCAL PLANNING

15. Zoning Application 90-65, K. Dudzinski, owner, for a modification to the "DE-2" District regulations for property at 1 Prospect Street South; Stipeley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 15, respecting the above-noted matter and approved the following:

That the resolution concerning Section 6 of the 20th Report for 1990 of the Planning and Development Committee adopted by City Council on 1990 November 13, applicable to property located at 1 Prospect Street South, as shown on the attached map marked as Appendix "B", be amended on the following basis:

- (a) That clause (a)(ii) be amended by inserting after "Section 18A", the following:

"(i)(a) and (c)", and by deleting the words "on-site" so that the revised clause (ii) reads as follows:

"(ii) Notwithstanding Section 18A(1)(a) and (c) a minimum of two parking spaces shall be provided and maintained."

- (b) That a new clause (a)(iii) be added which reads as follows:

"(iii) Notwithstanding Section 18A(9) the two required parking spaces shall be provided and maintained off-site on the boulevard."

- (c) That clause (e) be repealed and substituted with the following new clause:

"(e) That the amending By-law not be forwarded for passage by City Council until such time as the applicant enters into and maintains a Boulevard Parking Agreement to the satisfaction of the Director of the Traffic Department."

16. Request to amend the Hamilton-Wentworth Official Plan - Town of Ancaster (P-7-3).

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 15, respecting the above-noted matter and approved the following:

That the City Clerk be directed to advise the Regional Municipality of Hamilton-Wentworth that the Town of Ancaster's request to amend the Region's Official Plan, to extend the Town's urban area boundary, has no impact on the planning intentions of the City of Hamilton.

NOTE: The Regional Municipality of Hamilton-Wentworth has requested the City of Hamilton's comments, amongst others, on a request by the Town of Ancaster to amend the Region's Official Plan to extend the Town's urban area boundaries.

17. Comments on the Regional Housing Up-date (P5-4-2-20).

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 14, respecting the above-noted matter and approved the following:

- (a) That the comments contained in the report reviewing the "Regional Housing Statement Update", as shown on Appendix "A" attached herewith and marked Appendix "C", be endorsed; and,
- (b) That the Regional Council be so advised of City Council's endorsement.

NOTE: The "Regional Housing Statement Update" has been forwarded to the City of Hamilton for review and comment. As part of the development of the Regional Housing Statement Update, a significant amount of dialogue occurred between the Region and the Area Municipalities, including Hamilton, to ensure the final recommendations in the Regional Housing Statement Update were sound and responsive to local concerns and issues. To a large extent, this has been achieved. The Region has recognized the need for a more balanced distribution of medium and higher-density dwelling forms in other Area Municipalities and, as well, ensuring local flexibility in regard to land use planning actions is maintained.

ADDED - HOUSING INTENSIFICATION

The Director of Local Planning spoke to the Committee and advised them that he and his staff would be meeting shortly with Ministry of Housing Officials to review their recommended strategy for their input. He also mentioned that the strategy report would be presented to the Planning and Development Committee at its meeting on 1991 February 6, with a view to holding a Public meeting on that report in March.

ADDED - A.P.A. CONFERENCE

The Chairman advised the Committee about an upcoming American Planner's Association Conference and accordingly the Committee approved the following:

That the Chairman or his designate be authorized to attend the American Planning Association National Planning Conference to be held 1991 March 23 -27, in New Orleans.

ADDED - REVIEW OF 'M' DISTRICTS

The Chairman spoke to the Committee with respect to this requested study and advised the Committee that a report would be coming forward to them shortly.

ZONING APPLICATIONS

18. Zoning Application 90-42. J. Maistorovich, owner, for a further modification to the "II" District regulations for property at 2289 Barton Street East; Nashdale Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 3, respecting the above-noted matter.

Report of the circularization was given as follows:

293 notices sent 9 in favour 1 opposed

The Committee approved the following:

- (a) That approval be given to Official Plan Amendment No. 97 for the establishment of a Special Policy Area to permit limited commercial uses, and the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to amended Zoning Application 90-42, Joe Majstorovich, owner, requesting a further modification in zoning to the "JJ" (Restricted Light Industrial) District regulations, to legalize the existing retail sales component of the Siding Company (Siding Master) and the existing sporting goods store, for the property located at 2289 Barton Street East, as shown on the attached map marked as Appendix "D", on the following basis:

- (i) That the "JJ" (Restricted Light Industrial) District regulations, as contained in Section 16A of Zoning By-law No. 6593, as amended by By-laws 76-68, 80-84 and 89-48, applicable to the subject lands, be further modified to include the following variances as special requirements:

- (1.) That By-law 89-48, be amended by adding the following new subsections:

- (1.b.) Notwithstanding Section 16A(1) of By-law No. 6593, the following Commercial Use shall be permitted within the building existing at the date of the passing of the by-law:

<u>Use</u>	<u>S.I.C. Identification</u>
Sporting Goods Store	6541

- (1.c.) Notwithstanding Section 16A(1) of By-law No. 6593, the following Industrial Use shall be permitted within the building existing at the date of the passing of the by-law provided that the retail sales area shall not exceed 50% of the gross floor area:

<u>Use</u>	<u>S.I.C. Identification</u>
Siding Work	4232

- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-449C, and that the subject lands on Zoning District Map E-103 be notated S-449C;
- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council;
- (iv) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 97 by the Regional Municipality of Hamilton-Wentworth.

NOTE: The Corporation of the City of Hamilton will adopt Official Plan Amendment No. 97 to create a "Special Policy Area" to permit limited commercial uses for property located at 2289 Barton Street East.

The purpose of this by-law is to provide for a further modification to the "JJ" (Restricted Light Industrial) District regulations for the above noted lands.

The effect of the by-law is to permit the following additional uses within the existing building:

- (a) a siding company having a maximum retail sales area of 50% of the gross floor area; and,
- (b) a sporting goods store.

19. Zoning Application 90-71, E. and M. Ramsey, owners, for a modification to the "C" District regulations for property at 423 East 38th Street; Macassa Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 11, respecting the above-noted matter.

The Committee was also in receipt of a petition received from persons within the area forwarded from Alderman Jackson.

Report of the circularization was given as follows:

87 notices sent 6 in favour 29 opposed

Mr. Ramsay, owner of the building, spoke to the Committee and indicated that he had purchased the home for his own use but due to the slow down in the market had been unable to move into it, since he could not sell his previous home. As a result, he rented out the East 38th home and since it was duplexed when he purchased it, he rented it out as two dwellings.

The owner of property at 419 East 38th St. spoke to the Committee and indicated that the home had always been used for one family and that it had been a large family, of up to nine people. He sited parking problems in the area now, problems with fencing of the pool, many visits by the Police and summed up by saying that he is very opposed to legalizing the duplex use.

The owner of property at 437 East 38 St. also spoke in opposition to the application.

Mr. Bill Reynolds, 424 East 38 St. also spoke in opposition to the application.

The owner of property at 427 East 38 St. spoke and indicated that she is the abutting property owner and that she shares an adjoining driveway with the applicant property. She said there are many problems and that the driveway is often blocked, there is excessive noise and the Police are often called.

Mr. Ramsay then responded to the Committee and indicated that the Building Department had issued an Order to Comply, respecting the pool fencing and he does not agree that parking is a problem.

The Committee then moved the following **DENIAL** recommendation:

That Zoning Application 90-71, Edgar and Marion Ramsay, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to legalize the existing two-family dwelling, for property located at 423 East 38th Street, as shown on the attached map marked as Appendix "E", be **DENIED** for the following reasons:

- (a) The proposal is contrary to the intent of the Official Plan, in that it is an intrusion of a two-family dwelling into an area predominated by single-family homes and would contribute to an indiscriminate mix of housing types;
- (b) The application is contrary to the intent of the Zoning By-law in that only one parking space can be provided and there have been two additions on the home to facilitate the conversion of the dwelling; and,
- (c) Approval of the application would encourage other similar applications which, if approved, would change the character of the neighbourhood.

20. Zoning Application 90-69, Mr. & Mrs. M. Trikas, owners, for a modification to the "C" District regulations for property at 952-954 Concession Street; Raleigh Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 14, respecting the above-noted matter.

Report of the circularization was given as follows:

139 notices sent 15 in favour 7 opposed.

Mr. Trikas Jr., spoke to the Committee on behalf of his father who was also in attendance. He indicated that his father purchased the building many years ago and that they have lived in the rear apartment. He added that they wish to clarify the uses on the property in order that they can more readily rent it.

Mr. Costello, 322 Upper Gage Avenue, spoke to the Committee and asked whether the alleyway behind the property would be closed since it would affect his property. The staff responded that the permitted uses do not affect the alleyway and it was agreed that Mr. Brenner of the Regional Engineering Department would speak with Mr. Costello on the use of the alleyway.

The Committee then approved the following recommendation:

- (a) That approval be given to amended Zoning Application 90-69, Mr. and Mrs. M. Trikas, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit the following uses within the existing building only: medical/dental offices, professional offices, a photographer's studio, a barber shop/hair dresser, a variety store, a drug store, a video store, a retail delicatessen, a florist, a dry cleaning depot, a drapery and blinds store, a pet store, a grocery store, a self-service laundry (laundromat), and a retail bakery, for Block "1", and a modification to the established "G-3" (Public Parking Lots) District for Block "2", for property located at 952 and 954 Concession Street, as shown on the attached map marked as Appendix "F", on the following basis:
 - (i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special provisions:
 - (1.) That notwithstanding Section 9(1) of By-law No. 6593, the following commercial uses shall be permitted within the existing building only:

- (a) Offices for medical or dental practitioners;
- (b) Professional person's office;
- (c) Photographer's studio;
- (d) Barbershop or hairdressing establishment;
- (e) A confectionary store;
- (f) Retail drugstore;
- (g) Video store;
- (h) Retail delicatessen store;
- (i) Florist;
- (j) A collecting and distributing station for a laundry or a dry-cleaning establishment;
- (k) Drapery and Blinds Store;
- (l) Pet Store;
- (m) Retail grocery store;
- (n) Self-Service Laundry;
- (o) Retail bakery.

(2.) That Section 18A(27) shall not apply;

(ii) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of By-law No. 6593, applicable to Block "2", be modified to include the following variances as special provisions:

(1.) That Section 13C(3)(i) shall not apply;

(2.) That notwithstanding Section 13C(3)(ii), a landscaped planting strip of not less than 1.5 m in width shall be provided and maintained along the westerly and southerly lot lines;

(3.) That notwithstanding Section 13C(3)(iii), a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the westerly and southerly lot lines;

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1214, and that the subject lands on Zoning District Map E-35 be notated S-1214;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-35 for presentation to City Council; and,

(v) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the amending By-law not be forwarded for passage by City Council until such time as the applicants apply for and receive site plan approval for Block "2".

NOTE: The purpose of the By-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations for Block "1" and a modification to the established "G-3" (Public Parking Lots) District regulations for Block "2", for property located at 952 and 954 Concession Street.

The effect of the By-law is to permit the following commercial uses only within the existing building located on Block "1":

- | | |
|-------------------------------|-------------------------------------------|
| (a) Medical/Dental Offices; | (i) Florist; |
| (b) Professional Offices; | (j) Dry Cleaning Depot; |
| (c) Photographer's Studio; | (k) Drapery and Blinds Store; |
| (d) Barber Shop/Hair Dresser; | (l) Pet Store; |
| (e) Variety Store; | (m) Grocery Store; |
| (f) Drug Store; | (n) Self-Service Laundry
(Laundromat); |
| (g) Video Store; | (o) Retail Bakery; |
| (h) Retail Delicatessen. | |

In addition, the By-law permits access via the alley at the rear of Block "1" to the parking area (Block "2").

With regard to Block "2", the effect of the By-law is to establish the following variances as special requirements:

- (a) a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the westerly and southerly lot lines; and,
- (b) a landscaped planting strip of not less than 1.5 m in width shall be provided and maintained along the westerly and southerly lot lines.

21. Zoning Application 90-76, Martino Residential Care Centres, owner, for a modification to the "E" District regulations for property at 832 Concession Street; Raleigh Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 11, respecting the above-noted matter.

The Committee was also in receipt of the following:

- (a) Letter - Leslie Mayo, 44 East 35th Street.
- (b) Letter - Malcolm Dunlop, 23 East 34th Street.
- (c) Petition of Opposition - Neighbourhood residents.

Report of the circularization was given as follows:

643 notices sent 30 in favour 31 opposed

Mr. Martino, owner of the building, spoke to the Committee and gave a history of his application. He indicated that none of his residents have cars and that parking is not an issue. He indicated however, that the Hospital does have a parking problem but that they should not be penalized because of that. He also added that he does not believe in restrictive use of his building but will restrict his building to elderly citizens if he is requested to do so.

Mr. Ron Harrison, 35 East 34th St., spoke to the Committee with respect to the opposition petition from the Neighbourhood residents. He gave a history of the property and also indicated that according to the Health Department additional beds are not needed in the City. He is concerned at the 5 year process that this matter has taken, i.e. various meetings of the Committee of Adjustment, the Ontario Municipal Board, etc. He also indicated that in the past one person has supervised 53 people at night which is inadequate. He also cited many instances where residents are on the streets unsupervised, i.e. walking in snow with slippers and nightwear.

Mr. Harry Chapman, 33 East 34th St., spoke to the Committee in opposition and indicated that parking is a problem, and that the lot is full right now with construction workers.

Mr. Charles Becker, 806 Concession St., spoke in opposition to the application and reiterated the points made by the previous speakers.

Mr. O'Connor, 805 Concession St., spoke in opposition and indicated that residents of the facilities create problems to the area residents since they are not supervised.

Mr. Martino, the owner, then responded to the comments made by the Neighbourhood and indicated that the building should not be blamed for the social ills of the community. He added that wheelchair people have rights to be out in the community and that the Government supports this in their emphasis to de-institutionalize those with disabilities. He added that the parking situation is aggravated now because of the construction but that no residents or staff have cars and that the 4 spots on the site are for the occasional use required. He added that care is 24 hour supervision as per legal requirement and added that he feels that the concerns of the Neighbourhood illustrate the N.I.M.B.Y. principle.

The Committee then discussed this matter at some length and agreed to approve the application with the condition that the additional rooms in the building would be used for Seniors only and that through attrition the building would become a Seniors only building.

NOTE: Alderman Kiss and Alderman Formosi opposed.

The Committee then approved the following recommendation:

That approval be given to Zoning Application 90-76 Martino Residential Care Centres, Owner, for a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to permit an increase in the capacity of the established residential care facility from 53 to 60 residents for lands located at 832 Concession Street, as shown on the attached map marked as Appendix "G", on the following basis:

- (a) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
 - (i) That notwithstanding clause (iiib) of Subsection 1 of Section 11 of By-law No. 6593 a residential care facility for the accommodation of a maximum of 60 elderly residents of at least 60 years of age shall be permitted only within the building existing at the date of passing of this By-law;
 - (ii) That notwithstanding Section 18A. Table 1 1.(1) of By-law No. 6593 a minimum of 4 parking spaces shall be provided and maintained.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1215 and that the subject lands on Zoning District Map E-35 be notated S-1215;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-35 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for property located at 832 Concession Street.

The effect of the By-law is to permit an increase in the capacity of the established residential care facility from 53 to 60 residents.

In addition, the By-law establishes an age requirement so that all new residents will have to be at least 60 years of age or older. Furthermore, the By-law requires a minimum of 4 off-street parking spaces to be provided and maintained, whereas 20 off-street parking spaces are required.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1991 January 23

CITY OF HAMILTON

- RECOMMENDATION -

B.

DATE: 11 February 1991

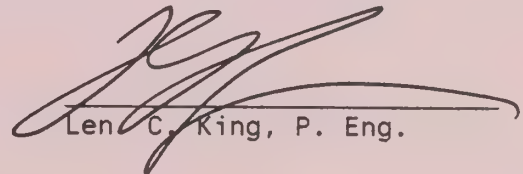
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
611 Rennie Street - Tag Number 81733

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 611 Rennie Street.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "J" (Light and limited heavy industrial)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Access laneway to rear portion of 549 Woodward Avenue

BRIEF DESCRIPTION: One and a half storey wood frame aluminum sided dwelling.
Fair to poor condition.

It is the intention of the owner to demolish the existing single family dwelling to provide an accessway laneway to the rear portion known as municipal # 549 Woodward Avenue. Lot size 35.0' X 115'.

The owner of the property as per the demolition permit application is:

Mr. Fred Tchamchi
3328 Lakeland Crescent
BURLINGTON, Ontario
L7N 1B8 Telephone: 681-7906

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 11 February 1991

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
348 Cumberland Avenue - Tag Number 81713

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 348 Cumberland Avenue.


Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "D/S-476" (One and two family dwellings, townhouse, etc)
Modified.

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: 1-1/2 storey wood frame aluminum sided dwelling.
Very poor condition.

It is the intention of the owner to demolish the existing single family dwelling and propose a new single family dwelling. Lot size 36.50' X 137.00'.

The owner of the property as per the demolition permit application is:

Joe Agostino
467 Limeridge Road West
HAMILTON, Ontario
L9C 2V7 Telephone: 573-0722

FOR ACTION

D.

REPORT TO:

Mrs. S. Reeder, Secretary
Planning & Development Committee

DATE: 1991 February 4

FROM:

Mr. L. King, P. Eng.
Commissioner
Department of Buildings

DEPT FILE: Heritage 73

SUBJECT:

City of Hamilton Heritage Programme -
221 Ferguson Avenue South, Hamilton

RECOMMENDATION:

That an increase of two hundred and fifty dollars (\$250.) be approved under the Community Heritage Trust Fund for a new loan amount of two thousand, seven hundred and fifty-seven dollars (\$2,757.) be approved for Ilze Dreimanis, 221 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over ten years; and,

That an increase of one hundred and twenty-nine dollars (\$129.) be approved under the Designated Property Grant Programme for a new grant amount of two thousand, seven hundred and fifty-seven (\$2,757.) be approved for Ilze Dreimanis, 221 Ferguson Avenue South, Hamilton.



Mr. L. King, Building Commissioner

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the City's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1990 January 30. The owners of the designated property located at 221 Ferguson Avenue South have applied under the Programme for the restoration of the roof and recapping of its parapet walls.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of H. Kaut's estimates.

Since the time of approval, additional work was required and has resulted in the increase . The additional work has also been approved by L.A.C.A.C.

It is therefore recommended that a Designated Property Grant in the amount of \$2,757., and a Community Trust Fund loan in the amount of \$2,757. at six percent interest be approved. The monthly payments will be \$30.61 amortized over ten years.

The Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$5,514.

c.c. R. Camani, Treasury Department

CITY OF HAMILTON
- RECOMMENDATION -

E.

DATE: 1991 January 29

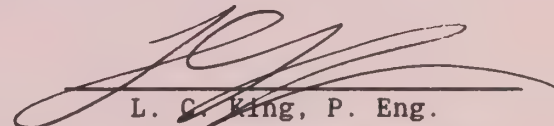
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. L. King
Building Commissioner

SUBJECT: 65 and 67 Beach Road

RECOMMENDATION:

- a) i) That the City Solicitor be authorized to prepare a by-law for the clearing of the premises located at municipal numbers 65 and 67 Beach Road of domestic and industrial waste.


L. C. King, P. Eng.
Building Commissioner

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The estimated cost of the removal and disposal of this waste is approximately \$5,000.00. The cost of the removal of this domestic and industrial waste will be added to the tax roll to be collected in a like manner as municipal taxes.

BACKGROUND:

This property has been the focus of numerous complaints regarding the condition of the property.

The owner of the property has not seen fit to comply with the requirements of the City of Hamilton By-laws.

For the information of the Committee, this Department has received a conviction in court and a fine has been registered under City of Hamilton By-law 84-35.

F.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 February 5

FEB 5 1991

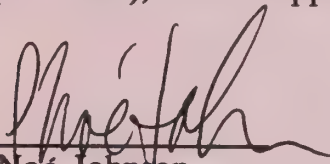
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: P. Noé Johnson,
City Solicitor

SUBJECT: Planning Department Application Fees

RECOMMENDATION:

That the By-law to amend By-law No. 89-88, (a By-law to set rates for Planning applications), receive appropriate readings.


P. Noé Johnson

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: See above.

See previous report from the Planning Department which was considered in December 1990. For purposes of clarification, the determination of the "annual rate of inflation" has been referenced to the Consumer Price Index as of December 31st of the previous year.

BACKGROUND:

At its regular meeting held on December 11, 1990, City Council adopted Section 11 of the 22nd Report of the Planning and Development Committee, as follows:

- "11. That the application fees for Official Plan Amendments, Rezoning Applications, Official Plan Amendments and Rezoning Applications, Site Plan Control Applications and amended Site Plan Control Applications be increased annually at the rate of inflation."

The Corporation of the City of Hamilton

BY-LAW NO. 91-

To Amend By-law No. 89-88

Respecting:

A TARIFF OF FEES

WHEREAS the Council of The Corporation of the City of Hamilton enacted By-law No. 89-88 on the 28th day of February 1989 to establish a tariff of fees for processing applications made in respect of planning matters for the years 1989 and 1990;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 11 of the 22nd Report of the Planning and Development Committee at its meeting held on the 11th day of December 1990, recommended that the application fees for Official Plan Amendments, Rezoning Applications, Official Plan Amendment and Rezoning Applications, Site Plan Control Applications and amended Site Plan Control Applications be increased annually at the rate of inflation.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 89-88 is amended by adding thereto the following section:

"6. The application fees for Official Plan Amendments, Rezoning Applications, Official Plan Amendment and Rezoning Applications, Site Plan Control Applications and amended Site Plan Control Applications shall be increased annually effective January 1, 1991, at the rate of inflation to be determined by the Consumer Price Index as of December 31st of the previous year."

PASSED this day of A.D. 1991.

City Clerk

Mayor

G.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 February 12

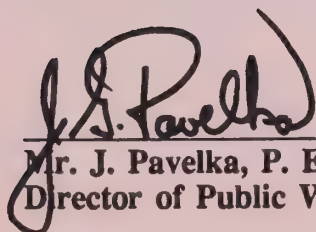
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

SUBJECT: Downtown Hamilton Action Plan, Core
Redevelopment Area, Plans & Addendums - Repeal
of By-laws.

RECOMMENDATION:

- a) That the Downtown Hamilton Action Plan, Core Redevelopment Area be de-designated; and,
- b) That By-law # 83-242 designating the Core Redevelopment Area and By-laws # 85-203, 86-185 and 86-280 adopting the Downtown Core Redevelopment Plan and Addendums be repealed; and,
- c) That the Law Department be authorized to prepare the necessary repealing by-laws to give affect to 'a' and 'b' above.


Mr. J. Pavelka, P. Eng.
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

CITY OF HAMILTON

- RECOMMENDATION -

H.

DATE: 1991 February 12

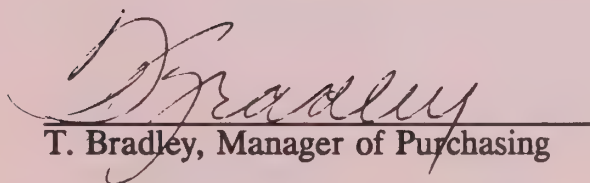
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. T. Bradley
Manager of Purchasing

SUBJECT: DESIGN CONSULTANT CENTRAL/BEASLEY
P.R.I.D.E. PROGRAMME

RECOMMENDATION:

- a) That a purchase order be issued to Victor Ford & Associates, Oakville, in the amount of \$50 504, being the lowest acceptable of nine proposals received, to provide Design Consultant Services for the Central/Beasley P.R.I.D.E. Programme in accordance with the request for proposal issued by the Manager of Purchasing and Vendor's submission, and that this expenditure be financed from Central/Beasley P.R.I.D.E. Account No. CF5634 429002003.
- b) That a contract be entered into satisfactory to the City Solicitor.


T. Bradley, Manager of Purchasing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

PLANNING AND DEVELOPMENT COMMITTEE

SUBJECT: DESIGN CONSULTANT CENTRAL/BEASLEY P.R.I.D.E.
PROGRAMME

Page 2

BACKGROUND: Proposal Analysis

Keeler Design Associates, Claremont	\$ 38,573.50 *
Basciano - O'Connor Landscape Architects, Burlington	43,843.25 **
Victor Ford & Associates, Oakville	50,504.00
Moore/George Associates Inc., Toronto	51,785.86
PMA Landscape Architects Ltd., Mississauga	55,725.60
Hough Stansbury Woodland, Etobicoke	74,001.20
Hilton Foster Limited, Kitchener	76,601.30
Fundamental Design Associates Inc., Hamilton	77,433.23
F. J. Reinders and Associates, Brampton	106,475.70

* Unacceptable - lack of experience in dealing with P.R.I.D.E. Citizens' Advisory Committee

** Incomplete bid - Insufficient insurance and all required fees not included

c.c. Parks and Recreation Committee for Information
Law Department
Treasury Department, Accounts Payable

CITY OF HAMILTON
- RECOMMENDATION -

I.

DATE: 1991 February 13

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: 179 MARY STREET -
DESIGNATION RECOMMENDATION

FEB 13 1991

RECOMMENDATION:

- a) That approval be given to the "Intent to Designate" the house at 179 Mary Street (known as the Raich House) as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached hereto as Appendix "A".
- b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

C. J. Coutts

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

LACAC gave preliminary approval to the designation of this property at its last meeting following receipt of a letter of request from the property owner.

Photograph, map and planning information are attached.

Attached

c.c. Mrs. N. Chapple, Planning Department

THE RAICH HOUSE, 179 Mary Street

1990



PLANNING INFORMATION

The Raich House, 179 Mary Street

DATE: November 1990

HERITAGE STATUS: Listed on Inventory and recommended by LACAC for designation under the Ontario Heritage Act.

NEIGHBOURHOOD: Beasley

ZONING: This property is zoned "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.).

Current Application for

- Zoning Change: No
- Minor Variance: No

SITE PLAN CONTROL: Under site plan control for any development other than single or two-family dwellings: includes neighbouring properties at 174 Catherine Street North - storage warehouse (J/S-378b), 104 Robert Street - vacant land (J/S-378c), and 176-180 Mary Street - (J/S-378).

Current Site Plan Application: No

OFFICIAL PLAN POLICIES: Designated "Residential"- Land Use Concept of the Official Plan. Uses permitted are various types of dwellings and uses compatible with dwellings, such as public parks, institutional and local commercial uses (less than .4 ha in site area); home occupations also permitted under certain conditions.

Policy C.7.3. (Subsection C.7 - Residential Environment and Housing Policy):

Council will (ii) promote the restoration and/or rehabilitation of housing structures exhibiting historical or architectural merit, subject to the provisions of Subsection C.6; and (vi) encourage the rehabilitation of dwellings as an alternative to demolition in appropriate locations and instances, having regard to the preservation and maintenance of the amenity of the RESIDENTIAL area.

Special Policy Areas:

Located within Special Policy Area 3 on Schedule B-2, the intent of which is to protect housing in close proximity to the downtown.

NEIGHBOURHOOD PLAN POLICIES: Designated "D" (Residential - single and double houses) in the Beasley Approved Plan.

Central Area Plan Policies:

Residential policies encourage preservation of residential areas and place an emphasis on development which will work in concert with family housing.

Community Improvement Plan

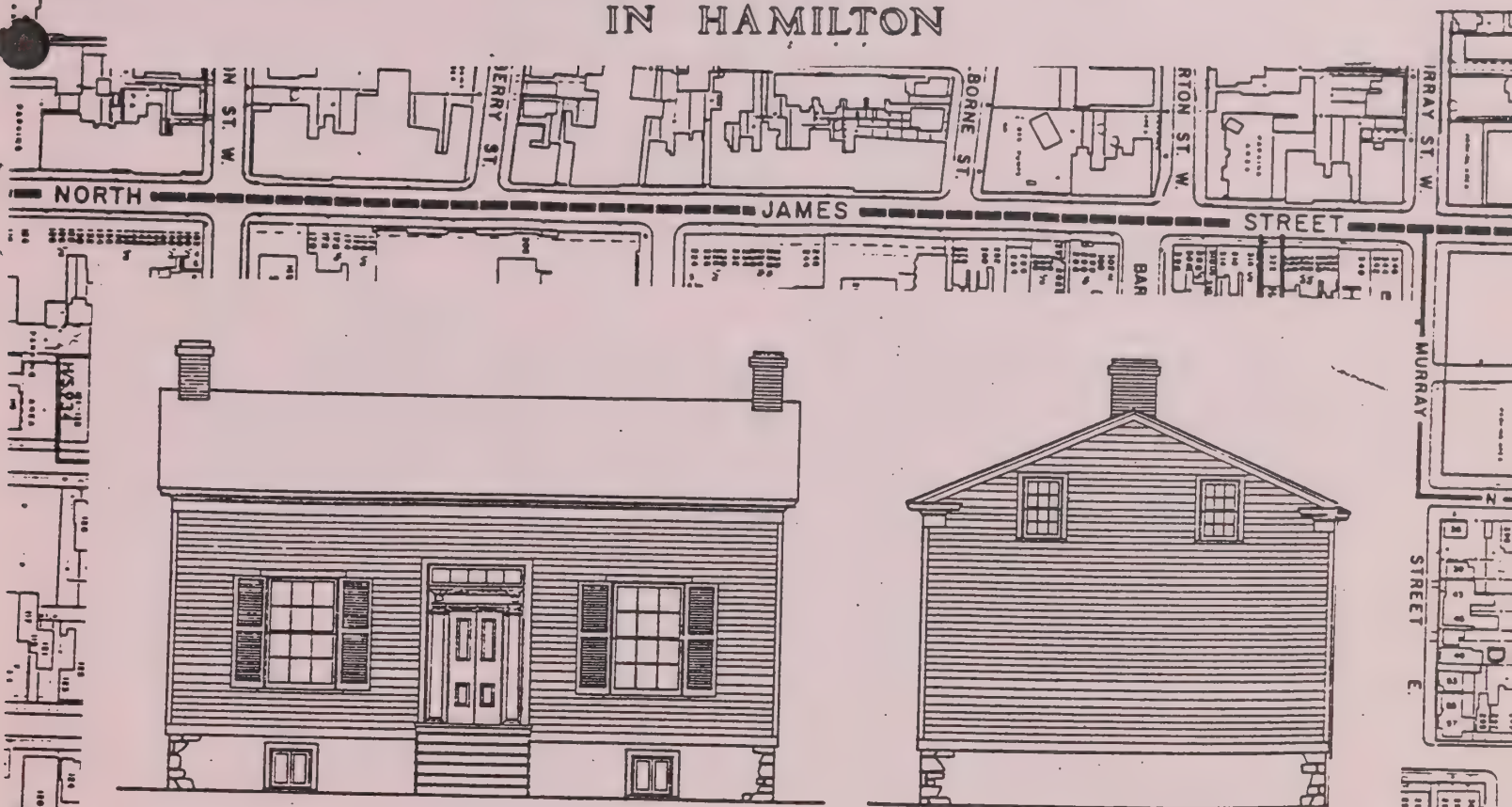
Also of note in this area is the development of a Community Improvement Plan through the Province's P.R.I.D.E. Program (currently being prepared by Department of Public Works in co-operation with Planning and Development Department). Community Improvement Initiatives In Beasley Neighbourhood include Beasley Park (in block bounded by Wilson, Cannon, Mary and Ferguson).

DEMOLITION CONTROL:

Not under demolition control.

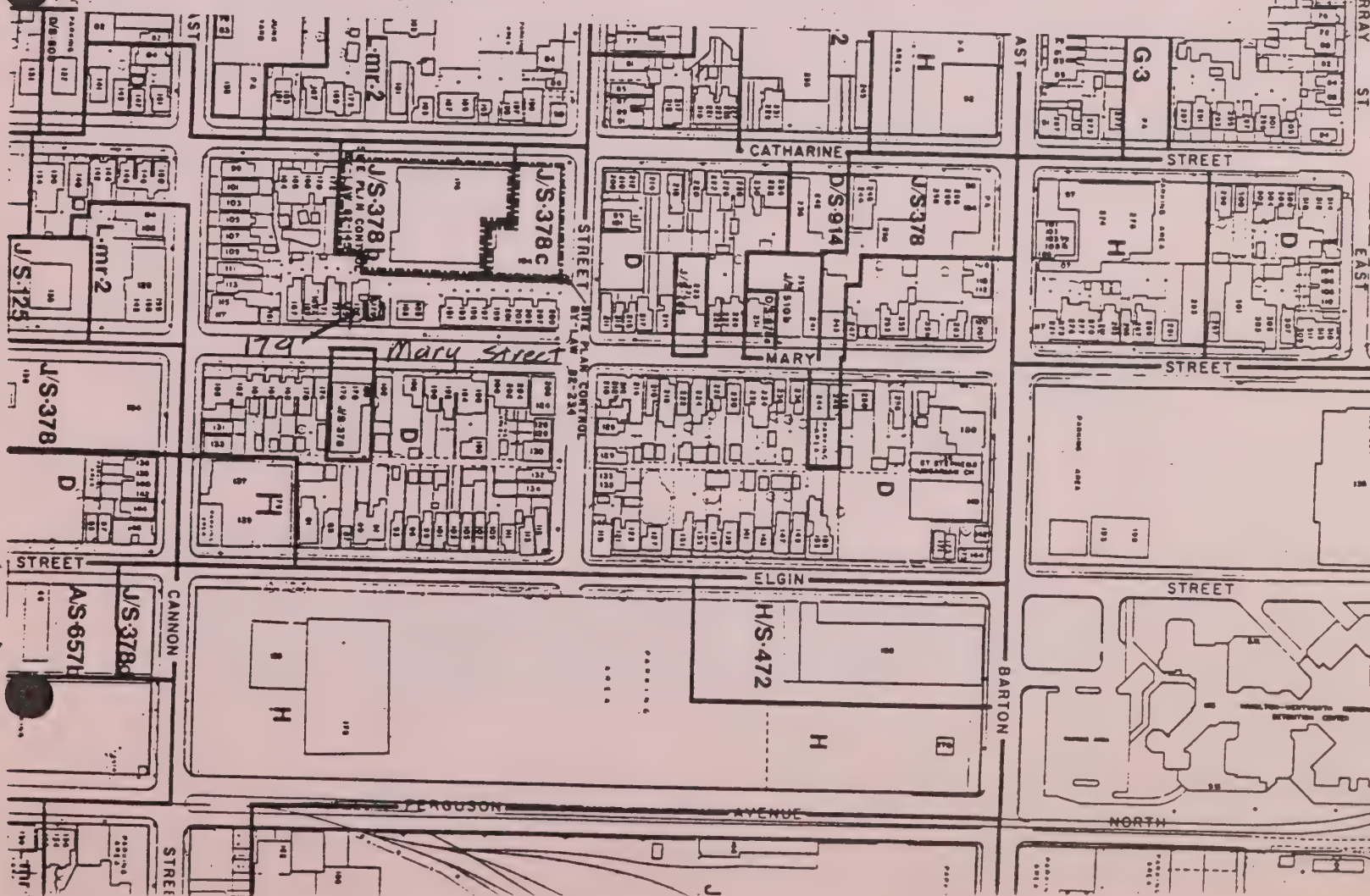
THE RAICH HOUSE

IN HAMILTON



FRONT ELEVATION

SIDE ELEVATION



REASONS FOR DESIGNATION

The Raich House

179 Mary Street, Hamilton

Architectural Significance

The 1 1/2 storey frame clapboard house at 179 Mary Street was built for, and possibly also by, Thomas and Peter Fitzpatrick, both carpenters by trade. The house is unique in the Hamilton area in that it is both a rare surviving example of pre-Confederation frame construction and the Classic Revival style. Features characteristic of Classic Revival houses in Ontario include its centre-hall plan, symmetrical facade, medium-pitched, side-gabled roof with returned eaves, prominent end chimneys, six-over-six double-hung sash windows and transomed doorway. 179 Mary Street combines a simplicity of design with an elegance of detailing most evident in the finely crafted doorway comprising a pair of Ionic columns supporting a full entablature with projecting end blocks, above which is a five-paned rectangular transom light. Also noteworthy is the original wooden mantelpiece in the living room (north wall), which echoes the design of the front entrance.

The house represents a local vernacular adaptation of the Classic Revival style in its use of the raised basement (originally housing the kitchen), a common feature of houses built in Hamilton at the time.

Historical Associations

Associated for much of its history with the Raich family, the house was first acquired around 1865 by Anthony Riche, a carpenter and wagonmaker. The last surviving Raich, Louisa, sold the house in 1942 to George Shannon and his wife.

Context

Located in the block between Cannon and Robert, a residential streetscape composed largely of later 2 1/2 storey Victorian brick houses and terraces, the Raich House stands out visually as an exceptionally early and particularly distinctive building, owing to its contrasting scale, design and construction.

Designated Features

Important to the preservation of 179 Mary Street are the original architectural features of the front (west), north and south facades, including the wood siding, two end chimneys, original doorway (excluding the concrete stairs and modern front door), and the living room mantelpiece.



Urban Municipal Librarian
Central Library

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THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

URBAN/MUNICIPAL
CA4 ON HBL A05
C51 P4

1991

1991 February 25th

URBAN MUNIC. AL

Mr. J. Pavelka, Director of Public Works
Mr. L. King, Building Commissioner
Mr. S. Ghanem, Director of Economic Development
Mr. T. Gill, Acting Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Attention: Mr. R. Karl
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

GOVERNMENT DOCUMENTS

Attached herewith are the minutes of the Planning and Development Committee meeting held Wednesday, 1991 January 23rd.

These minutes were approved by the Planning and Development Committee at its meeting held Wednesday, 1991 February 20th.

Yours very truly,

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

Attch's.

- c.c.'s - M. W. B. O'Brien, Director of Transportation Services, H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. Douglas Kelterborn, Board of Education

Wednesday, 1991 January 23
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairman
Alderman D. Drury, Vice-Chairman
Mayor Robert Morrow
Alderman M. Kiss
Alderman V. Formosi
Alderman W. McCulloch
Alderman H. Merling

Regrets: Alderman D. Wilson - Illness
Alderman D. Ross - City business

Also present: Alderman J. Gallagher
Alderman T. Jackson
Alderman G. Copps
Mr. D. Kelterborn, Board of Education
Mr. A. Georgieff, Director of Local Planning
Mr. B. Janssen, Planning Department
Mr. W. Wong, Building Department
Mr. D. Carson, Mayor's Office
Ms. P. Noé Johnson, City Solicitor
Mr. K. Brenner, Regional Engineering
Mr. D. Godley, Planning Department
Mrs. N. Chapple, Planning Department
Mr. J. Sakala, Planning Department
Mr. R. Karl, Traffic Department
Mr. L. King, Building Commissioner
Mr. P. Lampman, Deputy Building Commissioner
Mr. B. Allick, Building Department
Ms. J. McNeilly, Public Works Department
Mr. M. Watson, Real Estate Division, Property Department
Mrs. Susan K. Reeder, Secretary

1. **CONSENT AGENDA**

The Committee approved the following items contained within their Consent Agenda:

A. **ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE:**

The Committee approved the minutes of their last meeting held on Wednesday, 1990 December 5th as circulated to them.

DIRECTOR OF PUBLIC WORKS

B. **Appointment of Citizen's Advisory Committee - Central/Beasley P.R.I.D.E. Programme.**

The Committee was in receipt of a report from the Director of Public Works dated 1991 January 15, respecting the above noted matter and approved the following:

For the information of the members of City Council, the following citizens were appointed by the Planning and Development Committee to the Central/Beasley Citizens' Advisory Committee for the purpose of preparing a Community Improvement Plan:

Herbert Bluscke	Public School Board (Elected)
James Drake	Catharine Street North (Elected)
David Ducharme	Catharine Street North (Elected)
Dr. P. Fam	Catharine Street North (Elected)
Elizabeth Ward	John Street North (Elected)
Silva Habensas	Elgin Street
Art Raymond	Public School Board
Doug Wallace	Amity
Marty Karl	Mission Services
Vinze Piccolotto	Separate School Board
George D'Aurelio	Colbourne Street
Art Verrall	Wesley Centre
Major Don Bursey	Salvation Army (Alternate: Major James Smith)
Father Gus Smith	St. Mary's Church
Joseph Macaluso	Murray Street

C. Designation of a Community Improvement Project Area - Central/Beasley Neighbourhood.

The Committee was in receipt of a report from the Director of Public Works dated 1991 January 17, respecting the above noted matter and approved the following:

- (a) That, a Community Improvement Project Area be designated as per the attached Schedule "A", attached herewith and marked as Appendix "A", for the Central/Beasley Neighbourhoods in conformity with the Planning Act, Section 28; and,
- (b) That, the City Solicitor be authorized and directed to prepare the necessary By-law for (a) above.

NOTE: On 1989 October 10 City Council adopted the above resolution with different proposed boundaries. The Ministry of Municipal Affairs has advised the City that the area must be contained within one continuous boundary.

D. Main Street West B.I.A. Proposed Budget and Schedule of Payments for 1991.

The Committee was in receipt of a report from the Director of Public Works dated 1991 January 16, respecting the above noted matter and approved the following:

- (a) That the 1991 operating Budget of the Main Street West B.I.A. be approved in the amount of four thousand dollars (\$4,000.); and,
- (b) That the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference (a) above; and,
- (c) That the schedule of payments for 1991 be as follows:

February 01	\$ 2,000.
July 01	\$ 2,000.

E. Downtown Promenade B.I.A. Proposed Budget and Schedule of Payments for 1991.

The Committee was in receipt of a report from the Director of Public Works dated 1991 January 16, respecting the above noted matter and approved the following:

- (a) That the 1991 operating Budget of the Downtown Promenade B.I.A. be approved in the amount of one hundred and ninety-nine thousand dollars (\$199,000.); and,
- (b) That the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference (a) above; and,

- (c) That the schedule of payments for 1991 be as follows:

January 01	\$ 16,583.33
February 01	16,583.33
March 01	16,583.33
April 01	16,583.33
May 01	16,583.33
June 01	16,583.33
July 01	16,583.33
August 01	16,583.33
September 01	16,583.33
October 01	16,583.33
November 01	16,583.33
December 01	16,583.33

NOTE: 1990 Levy Arrears will be deducted from the first payment for 1991.

I. Barton General B.I.A. Proposed Budget and Schedule of Payments for 1991.

The Committee was in receipt of a report from the Director of Public Works dated 1990 December 27, respecting the above noted matter and approved the following:

- (a) That the 1991 operating Budget of the Barton General B.I.A. be approved in the amount of six thousand dollars (\$6,000.); and,
- (b) That the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference (a) above; and,
- (c) That the schedule of payments for 1991 be as follows:

April 01	\$ 2,000.
July 01	2,000.
October 01	2,000.

NOTE: 1990 Levy Arrears will be deducted from the first payment for 1991.

H. Westdale Village B.I.A. Proposed Budget and Schedule of Payments for 1991.

The Committee was in receipt of a report from the Director of Public Works dated 1990 December 27, respecting the above noted matter and approved the following:

- (a) That the 1991 operating Budget of the Westdale Village B.I.A. be approved in the amount of thirty thousand dollars (\$30,000.); and,
- (b) That the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference (a) above; and,
- (c) That the schedule of payments for 1991 be as follows:

February 01	\$ 7,500.
April 01	7,500.
June 01	7,500.
October 01	7,500.

NOTE: 1990 Levy Arrears will be deducted from the first payment for 1991.

G. Ottawa Street B.I.A. Proposed Budget and Schedule of Payments for 1991.

The Committee was in receipt of a report from the Director of Public Works dated 1991 January 2, respecting the above noted matter and approved the following:

- (a) That the 1991 operating Budget of the Ottawa Street B.I.A. be approved in the amount of eighty-five thousand dollars (\$85,000.); and,
- (b) That the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference (a) above; and,
- (c) That the schedule of payments for 1991 be as follows:

March 01	\$42,500.
July 01	21,250.
September 01	21,250.

NOTE: 1990 Levy Arrears will be deducted from the first payment for 1991.

F. Concession Street B.I.A. Proposed Budget and Schedule of Payments for 1991.

The Committee was in receipt of a report from the Director of Public Works dated 1990 December 27, respecting the above noted matter and approved the following:

- (a) That the 1991 operating Budget of the Concession Street B.I.A. be approved in the amount of twenty-nine thousand, seven hundred and forty-five dollars (\$29,745.); and,
- (b) That the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference (a) above; and,
- (c) That the schedule of payments for 1991 be as follows:

March 01	\$ 6,700.
April 01	4,700.
June 01	6,700.
August 01	5,700.
October 01	5,945.

NOTE: 1990 Levy Arrears will be deducted from the first payment for 1991.

J. International Village B.I.A. Proposed Budget and Schedule of Payments for 1991.

The Committee was in receipt of a report from the Director of Public Works dated 1991 January 16, respecting the above noted matter and approved the following:

- (a) That the 1991 operating Budget of the International Village B.I.A. be approved in the amount of fifty-six thousand, four hundred and seventy dollars (\$56,470.); and,
- (b) That the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1991 Budget as reference (a) above; and,
- (c) That the schedule of payments for 1991 be as follows:

February 01	\$14,117.50
April 01	14,117.50
June 01	14,117.50
October 01	14,117.50

NOTE: 1990 Levy Arrears will be deducted from the first payment for 1991.

K-P. BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS

The Committee was in receipt of reports from the Building Commissioner, respecting Demolition Permit Applications and approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 84-1/2 Aikman Avenue
- (b) 86-1/2 Aikman Avenue
- (c) 22 Wellington Street North
- (d) 1879 King Street East
- (e) 671 Upper Paradise Road
- (f) 1477 Upper James Street

BUILDING COMMISSIONER - CITY OF HAMILTON HERITAGE PROGRAMME APPLICATIONS

Q. 219 Ferguson Avenue South.

The Committee was in receipt of a report from the Building Commissioner, dated 1991 January 16, respecting the above-noted matter and approved the following:

- (a) That an increase of three hundred and nine dollars (\$309.) be approved under the Community Heritage Trust Fund for a new loan amount of two thousand, nine hundred and ninety-three dollars (\$2,993.) be approved for Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over ten years; and,
- (b) That an increase of three hundred and ten dollars (\$310.) be approved under the Designated Property Grant Programme for a new grant amount of two thousand, nine hundred and ninety-four (\$2,994.) be approved for Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton.

R. 223 Ferguson Avenue South.

The Committee was in receipt of a report from the Building Commissioner, dated 1991 January 16, respecting the above-noted matter and approved the following:

- (a) That an increase of one hundred and ninety dollars (\$190.) be approved under the Community Heritage Trust Fund for a new loan amount of two thousand, seven hundred and fifty-seven dollars (\$2,757.) be approved for Penelope Preston, 223 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over ten years; and,
- (b) That an increase of one hundred and eighty-nine dollars (\$189.) be approved under the Designated Property Grant Programme for a new grant amount of two thousand, seven hundred and fifty-seven (\$2,757.) be approved for Penelope Preston, 223 Ferguson Avenue South, Hamilton.

S. 225 Ferguson Avenue South.

The Committee was in receipt of a report from the Building Commissioner, dated 1991 January 16, respecting the above-noted matter and approved the following:

- (a) That an increase of one hundred and ninety dollars (\$190.) be approved under the Community Heritage Trust Fund for a new loan amount of two thousand, seven hundred and fifty-seven dollars (\$2,757.) be approved for Hugh Caughey, 225 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over ten years; and,
- (b) That an increase of one hundred and eighty-nine dollars (\$189.) be approved under the Designated Property Grant Programme for a new grant amount of two thousand, seven hundred and fifty-seven (\$2,757.) be approved for Hugh Caughey, 225 Ferguson Avenue South, Hamilton.

T. 227 Ferguson Avenue South.

The Committee was in receipt of a report from the Building Commissioner, dated 1991 January 16, respecting the above-noted matter and approved the following:

- (a) That an increase of one hundred and eighty-nine dollars (\$189.) be approved under the Community Heritage Trust Fund for a new loan amount of two thousand, eight hundred and thirty-three dollars (\$2,833.) be approved for Elaine Elson, 227 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over ten years; and,
- (b) That an increase of one hundred and ninety dollars (\$190.) be approved under the Designated Property Grant Programme for a new grant amount of two thousand, eight hundred and thirty-four (\$2,834.) be approved for Elaine Elson, 227 Ferguson Avenue South, Hamilton.

CITY SOLICITOR**U. 172 Beach Road - Repeal of By-law No. 89-243.**

The Committee was in receipt of a report from the City Solicitor dated 1991 January 4, and approved the following:

That By-law No. 89-243, respecting property at 172 Beach Road, passed by City Council on 1989 August 29, be repealed.

NOTE: City Council, on 1989 August 29, enacted By-law No. 89-243 which modified the "K" zoning of 172 Beach Road to allow a lodging house for seven persons. The by-law also exempted the owner from providing parking on the site.

After the by-law was passed, two objectors appealed the by-law to the Ontario Municipal Board, based on the parking problems that might be created by the exemption in By-law No. 89-243.

The Ontario Municipal Board scheduled the Hearing of the appeal for 1991 January 3. During the time period between the passing of the by-law in 1989 and the Hearing date, the ownership of the premises changed. When the new owner was informed of the Ontario Municipal Board appeal, he decided he did not want to pursue the zoning change. At the Hearing, the Ontario Municipal Board Member requested that the City pass a by-law to repeal By-law No. 89-243.

V. Part-Lot Control - Part of Holland Avenue and Parcel B, Registered Plan 909.

The Committee was in receipt of a report from the City Solicitor dated 1991 January 3, respecting the above-noted matter and approved the following:

That By-law No. 90-91 and By-law No. 90-334, respecting part-lot control on part of Holland Avenue and Parcel B, Registered Plan 909, be repealed.

NOTE: Research has shown that Registered Plan 909 was deemed not to be a registered plan by By-law No. 9375, passed on 1961 June 27. Therefore, By-law No. 90-91 and By-law No. 90-334 are not necessary.

W. CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE - Revised Membership.

The Committee was in receipt of a report from the Chairperson of the Central Area Plan Implementation Committee (C.A.P.I.C.) dated 1991 January 7, respecting the above-noted matter and approved the following:

For the information of the members of City Council, the following revised membership list for the Central Area Plan Implementation Committee has been approved by the Planning and Development Committee:

Charles Forsyth, Citizen Member
Russell Elman, Durand Neighbourhood Association Inc.
Alderman William McCulloch, City of Hamilton
Dr. John Eyles, McMaster University
Mark Boyak, Hamilton Real Estate Board
Bruce Charlton, Citizen Member
Ozzie Ferguson, United Senior Citizens of Ontario
Arthur Lomax, Hamilton Automobile Club
Gabriel Etele, Downtown Business Improvement Area
Anne Stewart, Hamilton Board of Education
Kay Nolan, Hamilton-Wentworth Roman Catholic Separate School Board
Maggie Fischbuch, Citizen Member
John Nolan, Citizen Member
Bruce Rankin, Hamilton Society of Architects
Gillian Simmons, North End Neighbourhoods
Gloria DeSantis, Social Planning and Research Council
Marvin Wasserman, King East Business Association
Andrew McKenzie, Hamilton District Labour Council
Helen Nemeth, Beasley Neighbourhood.

REGULAR AGENDA

MAYOR ROBERT M. MORROW

2. Recommendation of the Ad Hoc Committee - Commonwealth Square, Summers Lane.

The Committee was in receipt of a report from the Secretary of the Ad Hoc Committee - Commonwealth Square, Summers Lane dated 1991 January 10, respecting the above-noted matter.

Mayor Morrow spoke to these recommendations and requested specifically that Section (a) of the recommendation be tabled until such time as the Parks and Recreation Committee has considered the Baird, Sampson Study. Accordingly, the Committee agreed to table the following recommendation:

- (a) That the Ad Hoc Committee - Commonwealth Square, Summers Lane endorses the Baird, Sampson Study dated 1990 September 12, which recommends that the best location for the Crystal Palace is Commonwealth Square.

NOTE: The Ad Hoc Committee encourages the Crystal Palace Sub-Committee to solicit representation from the Art Gallery, H.E.C.F.I., Board of Education, C.A.P.I.C., and City staff in developing the design of the Crystal Palace Project.

The Mayor then spoke to the remaining portion of the recommendation and also added that consideration be given to a further recommendation to encourage the use of Commonwealth Square for such activities as out-door music concerts and displays of local art.

The Committee then approved the following:

- (a) That the Art Gallery be encouraged to accept a recently offered donation of sculptured items to be placed on Commonwealth Square and/or a revitalized Summers Lane;
- (b) That the Art Gallery be encouraged in its pursuit of creating a new entrance to their facility;
- (c) That encouragement be given to utilize Commonwealth Square for such uses as outdoor music concerts and displays of local art; and,
- (d) That the Chief Administrative Officer be directed to co-ordinate staff on a redevelopment of Summers Lane in conjunction with the above-noted projects.

3. C.N. Station.

Mayor Morrow spoke to the Committee with respect to Via Rail leaving the CN Station building on James Street North and requested that the Committee give direction to the Chief Administrative Officer to co-ordinate staff to meet with CN Officials on the future use of the building at James Street North.

The Committee then approved the following:

That the Chief Administrative Officer co-ordinate staff to meet with CN Officials to discuss alternate uses for the CN Station building on James Street North.

ALDERMAN WM. McCULLOCH

4. Site Plan Enforcement.

Alderman McCulloch spoke to the Committee with respect to the need to review the present site plan enforcement procedures with a view to ensuring that the City is in a position to ensure that the site plans are met.

Accordingly, the Committee directed that the Director of Local Planning undertake a review of the present site plan enforcement procedures and report back to the Committee with possible alternate proposals on site plan enforcement procedures.

REFERRALS FROM CITY COUNCIL

5. Resolution - Town of Vaughan - Ontario Government Housing Policy.

The Committee was in receipt of a resolution from the Town of Vaughan respecting the Ontario Government Housing Policy and agreed to receive the following resolution:

That the following resolution from the Town of Vaughan be received:

WHEREAS the housing policy of the Ontario government introduced in 1989 has been established without Municipal support; and,

WHEREAS a number of local Municipalities as well as the Association of Municipalities of Ontario "AMO" have expressed some real concerns as to the policy's workability and implementation; and,

WHEREAS the new Ontario NDP government has shown a willingness to consult with municipal government in a spirit of co-operation.

BE IN THEREFORE RESOLVED THAT the Ontario government through Ministry of Housing and Ministry of Municipal Affairs undertake the following:

- (a) rescind the present housing policy;
- (b) begin an immediate review in order to establish a new policy in co-operation and consultation with local governments with the desire to obtaining mutually acceptable objectives that are clearly attainable and workable and indeed flexible to reflect local community needs and concerns;
- (c) and that such review has the direct involvement of elected municipal representatives.

BE IT FURTHER RESOLVED THAT this resolution be circulated to the Honourable Bob Rae, the Premier of Ontario, the Honourable Dave Cooke, the Minister of Housing and Minister of Municipal Affairs, the Honourable Gregory Sorbara, M.P.P. for York Centre, all Municipalities in the G.T.A. and all the Municipalities in Ontario with a population in excess of 50,000.

6. Resolution - Town of Vaughan - Ontario Municipal Board.

The Committee was in receipt of a resolution from the Town of Vaughan respecting the Ontario Municipal Board and agreed to receive the following resolution:

That the following resolution from the Town of Vaughan be received:

WHEREAS there have recently been a number of Ontario Municipal Board (Board) hearings in which the Board has overturned the planning decisions of the Council of The Corporation of the Town of Vaughan;

AND WHEREAS the Board has apparently imposed these decisions without proper regard for the concerns of the elected representatives and the residents who will be directly affected by the decisions;

AND WHEREAS the Planning Act, 1983, has given the authority to adopt official plan amendments, to enact zoning by-laws and to approve site plans to the councils of local municipalities;

AND WHEREAS it is of great concern to the Mayor and Members of Council, and the residents of the Town of Vaughan, that their opinions are not being given sufficient weight by the Board;

AND WHEREAS the role and operation of the Board should be the subject of a review by the Ontario Government;

NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Town of Vaughan inform Premier Rae, the Ministers of Housing and Municipal Affairs, and the Attorney General, that it strongly objects to the apparent disregard by the Ontario Municipal Board in these decision for the concerns and opinions of the elected representatives and the residents they represent;

AND THAT it be requested that the Ontario Municipal Board give more weight to the opinions of the council, in accordance with the principle that the elected representatives are in the best position to assess the needs and desires of their community, as expressed by the Board itself in the Major Holdings and Developments Limited v City of Cambridge 1980 decision;

AND THAT the Ontario Government be petitioned to undertake a full review of the Board's role and operation;

AND THAT Mr. Greg Sorbara, M.P.P. York Centre, the Association of Municipalities of Ontario, all municipalities in the Greater Toronto Area, and all municipalities with a population over 50,000 be so advised.

DIRECTOR OF PUBLIC WORKS

The Committee was advised that Items 7, 8, and 9 of their Agendas as follows should be deleted from the Agenda:

7. Application to the Ministry of Municipal Affairs - Crown Point East/McAnulty Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.)
8. Appointment of Consultant - Ferguson Avenue Revitalization.
9. Reporting structure of the Community Renewal Section, Parks Division, Public Works Department.

DIRECTOR OF PROPERTY - PURCHASES BY THE CITY

10. 21 Gerrard Street - 914844 Ontario Limited for the Alpha West Residential Enclave Clearance Programme.

The Committee was in receipt of a report from the Director of Property dated 1991 January 15, respecting the above-noted matter and approved the following:

- (a) That an Option to Purchase the property at 21 Gerrard Street, duly executed by 914844 Ontario Limited (President Chris Bahl) on 1991 January 15, and scheduled to close on or before 1991 March 25, be completed. The subject property has a frontage of 5.791 metres (19 feet), more or less, by a depth of 30.5 metres (100 feet), more or less, together with all structures erected thereon, being Municipal Number 21 Gerrard Street.
- (b) The purchase price of \$75,000. is to be charged to Account Number CF 55903 08750001 (Land Acquisition Enclave Clearance Program). Demolition is to take place upon closing.

NOTE: The subject property lies within the Alpha West Residential Enclave. The acquisition of this property is in conjunction with the Residential Enclave Clearance Program, initiated for the purpose of purchasing and demolishing primarily residential dwellings located in older industrial zoned sections in the north-east part of the City.

On 1989 June 27, City Council authorized the City's application for approval to expropriate sixteen (16) remaining properties in the Alpha West Enclave. However, through negotiations, the subject property has been acquired prior to the expropriation plan being registered, therefore avoiding the expropriation proceeding.

11. 221 Brant Street - Stephen Mark O'Neill for the Alpha West Residential Enclave Clearance Programme.

The Committee was in receipt of a report from the Director of Property dated 1991 January 15, respecting the above-noted matter and approved the following:

- (a) That an Option to Purchase the property at 221 Brant Street, duly executed by Stephen Mark O'Neill on 1991 January 4, and scheduled to close on or before 1991 March 1, be completed. The subject property has a frontage of 9.144 metres (30 feet), more or less, by a depth of 24.384 metres (80 feet), more or less, together with all structures erected thereon, being Municipal Number 221 Brant Street.
- (b) The purchase price of \$73,000. is to be charged to Account Number CF 55903 08750001 (Land Acquisition Enclave Clearance Program). Demolition is to take place upon closing.

NOTE: The subject property lies within the Alpha West Residential Enclave. The acquisition of this property is in conjunction with the Residential Enclave Clearance Program, initiated for the purpose of purchasing and demolishing primarily residential dwellings located in older industrial zoned sections in the north-east part of the City.

On 1989 June 27, City Council authorized the City's application for approval to expropriate sixteen (16) remaining properties in the Alpha West Enclave. However, through negotiations, the subject property has been acquired prior to the expropriation plan being registered, therefore avoiding the expropriation proceeding.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

12. Approval for attendance - "Designing for Conservation" Workshop.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1991 January 7, respecting the above-noted matter and approved the following:

- (a) That Alderman William McCulloch represent the Local Architectural Conservation Advisory Committee at the Architectural Conservancy of Ontario Inc.'s "Designing For Conservation" Workshop to be held in Toronto, Ontario from 1991 February 15-16; and,
- (b) That the costs for this workshop be financed from the Legislative Travel Account (Account No. CH 55201 10010).

13. City-owned designated and listed historic properties - Interim uses to be investigated.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1991 January 17, respecting the above-noted matter and approved the following:

That in the case of City-owned Designated and Listed historic properties, that consideration be given to an interim use (i.e. renting) for these properties until a final use has been determined.

NOTE: The purpose of this recommendation is to prevent vandalism of vacant historic properties.

Only a limited number of Designated and Listed properties would be affected. The City's historic museums would be excluded as these properties have a permanent use.

14. 105 Aberdeen Avenue - Application for 180 day delay in demolition under the Ontario Heritage Act.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1991 January 17, respecting the above-noted matter and approved the following:

That City Council impose the 180-day delay of demolition pursuant to Section 34 of the Ontario Heritage Act for the designated property at 105 Aberdeen Avenue.

NOTE: The current owner applied for a demolition permit on 1990 November 14.

DIRECTOR OF LOCAL PLANNING

15. Zoning Application 90-65, K. Dudzinski, owner, for a modification to the "DE-2" District regulations for property at 1 Prospect Street South; Stipeley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 15, respecting the above-noted matter and approved the following:

That the resolution concerning Section 6 of the 20th Report for 1990 of the Planning and Development Committee adopted by City Council on 1990 November 13, applicable to property located at 1 Prospect Street South, as shown on the attached map marked as Appendix "B", be amended on the following basis:

- (a) That clause (a)(ii) be amended by inserting after "Section 18A", the following:

"(i)(a) and (c)", and by deleting the words "on-site" so that the revised clause (ii) reads as follows:

"(ii) Notwithstanding Section 18A(1)(a) and (c) a minimum of two parking spaces shall be provided and maintained."

- (b) That a new clause (a)(iii) be added which reads as follows:

"(iii) Notwithstanding Section 18A(9) the two required parking spaces shall be provided and maintained off-site on the boulevard."

- (c) That clause (e) be repealed and substituted with the following new clause:

"(e) That the amending By-law not be forwarded for passage by City Council until such time as the applicant enters into and maintains a Boulevard Parking Agreement to the satisfaction of the Director of the Traffic Department."

16. Request to amend the Hamilton-Wentworth Official Plan - Town of Ancaster (P-7-3).

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 15, respecting the above-noted matter and approved the following:

That the City Clerk be directed to advise the Regional Municipality of Hamilton-Wentworth that the Town of Ancaster's request to amend the Region's Official Plan, to extend the Town's urban area boundary, has no impact on the planning intentions of the City of Hamilton.

NOTE: The Regional Municipality of Hamilton-Wentworth has requested the City of Hamilton's comments, amongst others, on a request by the Town of Ancaster to amend the Region's Official Plan to extend the Town's urban area boundaries.

17. Comments on the Regional Housing Up-date (PS-4-2-20).

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 14, respecting the above-noted matter and approved the following:

- (a) That the comments contained in the report reviewing the "Regional Housing Statement Update", as shown on Appendix "A" attached herewith and marked Appendix "C", be endorsed; and,
- (b) That the Regional Council be so advised of City Council's endorsement.

NOTE: The "Regional Housing Statement Update" has been forwarded to the City of Hamilton for review and comment. As part of the development of the Regional Housing Statement Update, a significant amount of dialogue occurred between the Region and the Area Municipalities, including Hamilton, to ensure the final recommendations in the Regional Housing Statement Update were sound and responsive to local concerns and issues. To a large extent, this has been achieved. The Region has recognized the need for a more balanced distribution of medium and higher-density dwelling forms in other Area Municipalities and, as well, ensuring local flexibility in regard to land use planning actions is maintained.

ADDED - HOUSING INTENSIFICATION

The Director of Local Planning spoke to the Committee and advised them that he and his staff would be meeting shortly with Ministry of Housing Officials to review their recommended strategy for their input. He also mentioned that the strategy report would be presented to the Planning and Development Committee at its meeting on 1991 February 6, with a view to holding a Public meeting on that report in March.

ADDED - A.P.A. CONFERENCE

The Chairman advised the Committee about an upcoming American Planner's Association Conference and accordingly the Committee approved the following:

That the Chairman or his designate be authorized to attend the American Planning Association National Planning Conference to be held 1991 March 23 -27, in New Orleans.

ADDED - REVIEW OF "M" DISTRICTS

The Chairman spoke to the Committee with respect to this requested study and advised the Committee that a report would be coming forward to them shortly.

ZONING APPLICATIONS

18. Zoning Application 90-42, J. Majstorovich, owner, for a further modification to the "JJ" District regulations for property at 2289 Barton Street East; Nashdale Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 3, respecting the above-noted matter.

Report of the circularization was given as follows:

293 notices sent 9 in favour 1 opposed

The Committee approved the following:

- (a) That approval be given to Official Plan Amendment No. 97 for the establishment of a Special Policy Area to permit limited commercial uses, and the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to amended Zoning Application 90-42, Joe Majstorovich, owner, requesting a further modification in zoning to the "JJ" (Restricted Light Industrial) District regulations, to legalize the existing retail sales component of the Siding Company (Siding Master) and the existing sporting goods store, for the property located at 2289 Barton Street East, as shown on the attached map marked as Appendix "D", on the following basis:
 - (i) That the "JJ" (Restricted Light Industrial) District regulations, as contained in Section 16A of Zoning By-law No. 6593, as amended by By-laws 76-68, 80-84 and 89-48, applicable to the subject lands, be further modified to include the following variances as special requirements:

- (1.) That By-law 89-48, be amended by adding the following new subsections:

- (1.b.) Notwithstanding Section 16A(1) of By-law No. 6593, the following Commercial Use shall be permitted within the building existing at the date of the passing of the by-law:

<u>Use</u>	<u>S.I.C. Identification</u>
Sporting Goods Store	6541

- (1.c) Notwithstanding Section 16A(1) of By-law No. 6593, the following Industrial Use shall be permitted within the building existing at the date of the passing of the by-law provided that the retail sales area shall not exceed 50% of the gross floor area:

<u>Use</u>	<u>S.I.C. Identification</u>
Siding Work	4232

- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-449C, and that the subject lands on Zoning District Map E-103 be notated S-449C;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council;
 - (iv) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 97 by the Regional Municipality of Hamilton-Wentworth.

NOTE: The Corporation of the City of Hamilton will adopt Official Plan Amendment No. 97 to create a "Special Policy Area" to permit limited commercial uses for property located at 2289 Barton Street East.

The purpose of this by-law is to provide for a further modification to the "JJ" (Restricted Light Industrial) District regulations for the above noted lands.

The effect of the by-law is to permit the following additional uses within the existing building:

- (a) a siding company having a maximum retail sales area of 50% of the gross floor area; and,
- (b) a sporting goods store.

19. Zoning Application 90-71, E. and M. Ramsey, owners, for a modification to the "C" District regulations for property at 423 East 38th Street; Macassa Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 11, respecting the above-noted matter.

The Committee was also in receipt of a petition received from persons within the area forwarded from Alderman Jackson.

Report of the circularization was given as follows:

87 notices sent 6 in favour 29 opposed

Mr. Ramsay, owner of the building, spoke to the Committee and indicated that he had purchased the home for his own use but due to the slow down in the market had been unable to move into it, since he could not sell his previous home. As a result, he rented out the East 38th home and since it was duplexed when he purchased it, he rented it out as two dwellings.

The owner of property at 419 East 38th St. spoke to the Committee and indicated that the home had always been used for one family and that it had been a large family, of up to nine people. He sited parking problems in the area now, problems with fencing of the pool, many visits by the Police and summed up by saying that he is very opposed to legalizing the duplex use.

The owner of property at 437 East 38 St. also spoke in opposition to the application.

Mr. Bill Reynolds, 424 East 38 St. also spoke in opposition to the application.

The owner of property at 427 East 38 St. spoke and indicated that she is the abutting property owner and that she shares an adjoining driveway with the applicant property. She said there are many problems and that the driveway is often blocked, there is excessive noise and the Police are often called.

Mr. Ramsay then responded to the Committee and indicated that the Building Department had issued an Order to Comply, respecting the pool fencing and he does not agree that parking is a problem.

The Committee then moved the following **DENIAL** recommendation:

That Zoning Application 90-71, Edgar and Marion Ramsay, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to legalize the existing two-family dwelling, for property located at 423 East 38th Street, as shown on the attached map marked as Appendix "E", be **DENIED** for the following reasons:

- (a) The proposal is contrary to the intent of the Official Plan, in that it is an intrusion of a two-family dwelling into an area predominated by single-family homes and would contribute to an indiscriminate mix of housing types;
- (b) The application is contrary to the intent of the Zoning By-law in that only one parking space can be provided and there have been two additions on the home to facilitate the conversion of the dwelling; and,
- (c) Approval of the application would encourage other similar applications which, if approved, would change the character of the neighbourhood.

20. Zoning Application 90-69, Mr. & Mrs. M. Trikas, owners, for a modification to the "C" District regulations for property at 952-954 Concession Street; Raleigh Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 14, respecting the above-noted matter.

Report of the circularization was given as follows:

139 notices sent 15 in favour 7 opposed.

Mr. Trikas Jr., spoke to the Committee on behalf of his father who was also in attendance. He indicated that his father purchased the building many years ago and that they have lived in the rear apartment. He added that they wish to clarify the uses on the property in order that they can more readily rent it.

Mr. Costello, 322 Upper Gage Avenue, spoke to the Committee and asked whether the alleyway behind the property would be closed since it would affect his property. The staff responded that the permitted uses do not affect the alleyway and it was agreed that Mr. Brenner of the Regional Engineering Department would speak with Mr. Costello on the use of the alleyway.

The Committee then approved the following recommendation:

- (a) That approval be given to amended Zoning Application 90-69, Mr. and Mrs. M. Trikas, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit the following uses within the existing building only: medical/dental offices, professional offices, a photographer's studio, a barber shop/hair dresser, a variety store, a drug store, a video store, a retail delicatessen, a florist, a dry cleaning depot, a drapery and blinds store, a pet store, a grocery store, a self-service laundry (laundromat), and a retail bakery, for Block "1", and a modification to the established "G-3" (Public Parking Lots) District for Block "2", for property located at 952 and 954 Concession Street, as shown on the attached map marked as Appendix "F", on the following basis:
 - (i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special provisions:
 - (1.) That notwithstanding Section 9(1) of By-law No. 6593, the following commercial uses shall be permitted within the existing building only:

- (a) Offices for medical or dental practitioners;
- (b) Professional person's office;
- (c) Photographer's studio;
- (d) Barbershop or hairdressing establishment;
- (e) A confectionary store;
- (f) Retail drugstore;
- (g) Video store;
- (h) Retail delicatessen store;
- (i) Florist;
- (j) A collecting and distributing station for a laundry or a dry-cleaning establishment;
- (k) Drapery and Blinds Store;
- (l) Pet Store;
- (m) Retail grocery store;
- (n) Self-Service Laundry;
- (o) Retail bakery.

(2.) That Section 18A(27) shall not apply;

(ii) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of By-law No. 6593, applicable to Block "2", be modified to include the following variances as special provisions:

(1.) That Section 13C(3)(i) shall not apply;

(2.) That notwithstanding Section 13C(3)(ii), a landscaped planting strip of not less than 1.5 m in width shall be provided and maintained along the westerly and southerly lot lines;

(3.) That notwithstanding Section 13C(3)(iii), a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the westerly and southerly lot lines;

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1214, and that the subject lands on Zoning District Map E-35 be notated S-1214;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-35 for presentation to City Council; and,

(v) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the amending By-law not be forwarded for passage by City Council until such time as the applicants apply for and receive site plan approval for Block "2".

NOTE: The purpose of the By-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations for Block "1" and a modification to the established "G-3" (Public Parking Lots) District regulations for Block "2", for property located at 952 and 954 Concession Street.

The effect of the By-law is to permit the following commercial uses only within the existing building located on Block "1":

- | | |
|-------------------------------|-------------------------------------------|
| (a) Medical/Dental Offices; | (i) Florist; |
| (b) Professional Offices; | (j) Dry Cleaning Depot; |
| (c) Photographer's Studio; | (k) Drapery and Blinds Store; |
| (d) Barber Shop/Hair Dresser; | (l) Pet Store; |
| (e) Variety Store; | (m) Grocery Store; |
| (f) Drug Store; | (n) Self-Service Laundry
(Laundromat); |
| (g) Video Store; | (o) Retail Bakery; |
| (h) Retail Delicatessen. | |

In addition, the By-law permits access via the alley at the rear of Block "1" to the parking area (Block "2").

With regard to Block "2", the effect of the By-law is to establish the following variances as special requirements:

- (a) a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the westerly and southerly lot lines; and,
- (b) a landscaped planting strip of not less than 1.5 m in width shall be provided and maintained along the westerly and southerly lot lines.

21. Zoning Application 90-76, Martino Residential Care Centres, owner, for a modification to the "E" District regulations for property at 832 Concession Street; Raleigh Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 11, respecting the above-noted matter.

The Committee was also in receipt of the following:

- (a) Letter - Leslie Mayo, 44 East 35th Street.
- (b) Letter - Malcolm Dunlop, 23 East 34th Street.
- (c) Petition of Opposition - Neighbourhood residents.

Report of the circularization was given as follows:

643 notices sent 30 in favour 31 opposed

Mr. Martino, owner of the building, spoke to the Committee and gave a history of his application. He indicated that none of his residents have cars and that parking is not an issue. He indicated however, that the Hospital does have a parking problem but that they should not be penalized because of that. He also added that he does not believe in restrictive use of his building but will restrict his building to elderly citizens if he is requested to do so.

Mr. Ron Harrison, 35 East 34th St., spoke to the Committee with respect to the opposition petition from the Neighbourhood residents. He gave a history of the property and also indicated that according to the Health Department additional beds are not needed in the City. He is concerned at the 5 year process that this matter has taken, i.e. various meetings of the Committee of Adjustment, the Ontario Municipal Board, etc. He also indicated that in the past one person has supervised 53 people at night which is inadequate. He also cited many instances where residents are on the streets unsupervised, i.e. walking in snow with slippers and nightwear.

Mr. Harry Chapman, 33 East 34th St., spoke to the Committee in opposition and indicated that parking is a problem, and that the lot is full right now with construction workers.

Mr. Charles Becker, 806 Concession St., spoke in opposition to the application and reiterated the points made by the previous speakers.

Mr. O'Connor, 805 Concession St., spoke in opposition and indicated that residents of the facilities create problems to the area residents since they are not supervised.

Mr. Martino, the owner, then responded to the comments made by the Neighbourhood and indicated that the building should not be blamed for the social ills of the community. He added that wheelchair people have rights to be out in the community and that the Government supports this in their emphasis to de-institutionalize those with disabilities. He added that the parking situation is aggravated now because of the construction but that no residents or staff have cars and that the 4 spots on the site are for the occasional use required. He added that care is 24 hour supervision as per legal requirement and added that he feels that the concerns of the Neighbourhood illustrate the N.I.M.B.Y. principle.

The Committee then discussed this matter at some length and agreed to approve the application with the condition that the additional rooms in the building would be used for Seniors only and that through attrition the building would become a Seniors only building.

NOTE: Alderman Kiss and Alderman Formosi opposed.

The Committee then approved the following recommendation:

That approval be given to Zoning Application 90-76 Martino Residential Care Centres, Owner, for a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to permit an increase in the capacity of the established residential care facility from 53 to 60 residents for lands located at 832 Concession Street, as shown on the attached map marked as Appendix "G", on the following basis:

- (a) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
 - (i) That notwithstanding clause (iib) of Subsection 1 of Section 11 of By-law No. 6593 a residential care facility for the accommodation of a maximum of 60 elderly residents of at least 60 years of age shall be permitted only within the building existing at the date of passing of this By-law;
 - (ii) That notwithstanding Section 18A. Table 1 1.(1) of By-law No. 6593 a minimum of 4 parking spaces shall be provided and maintained.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1215 and that the subject lands on Zoning District Map E-35 be notated S-1215;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-35 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

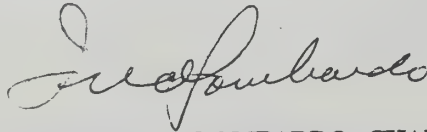
NOTE: The purpose of the By-law is to provide for a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for property located at 832 Concession Street.

The effect of the By-law is to permit an increase in the capacity of the established residential care facility from 53 to 60 residents.

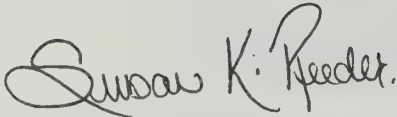
In addition, the By-law establishes an age requirement so that all new residents will have to be at least 60 years of age or older. Furthermore, the By-law requires a minimum of 4 off-street parking spaces to be provided and maintained, whereas 20 off-street parking spaces are required.

There being no further business, the meeting then adjourned.

Taken as read and approved,



ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE



Susan K. Reeder
Secretary
1991 January 23

From the Department of Medicine, University of California, San Francisco.

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